

DEMOCRATIC AUDITING IN TRANSITION STATES: THE CASE OF MOLDOVA

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INTRODUCTION

In July, 2003, three organizations (IDIS, IRIS and CIPDD), representing Moldova, Bulgaria and Georgia agreed to conduct a cross regional study with the aim to undertake a comprehensive comparative analysis on selected samples of public institutions. The particular characteristics of this research were to assess the quality and extent of democratic functioning of the Parliament and of the Municipality of Chisinau, through the methodology which has been known for several years as ‘democratic auditing’.

The ‘democracy audit’ Concept is based on three main assumptions. The first assumption constitutes the fact that democratization is an ongoing process, being constantly tested in various situations and transformed in the light of shared experiences and criticism. The second assumption is: the concept of ‘democracy’ can be better understood when it is disaggregated into a set of criteria or indices of positive performances, which are relevant in spite of the existing differences of cultural or social nature. The third assumption comprises the idea that conducting a democratic audit is by itself a part of the democracy-building process when it reveals its main weaknesses and priorities on a systematic and comprehensive way. We believe that democracy and non-democracy

cannot be treated in a dichotomist manner, but more in terms of a gradation. Therefore an in-depth comparative research may provide us with data and information that can largely respond to the causes and consequences of democracy.

The project aimed at answering a number of questions related to governance: What should be done in order to make accountable democratic institutions work effectively? What generates corruption and ineffective institutions in a nascent democratic state? Are these institutions too weak or too centralized to deal with their specific weaknesses? Are their weaknesses a result of the poor institutional setup and performance or are they a consequence of the political culture of a transition society? Do the new democratic institutions create a real democratic system or are they just playing a formal role? How does the mindset of the new political class influence the shaping of democratic order? To what extent is this mindset representative or “catching” for the whole society? What institutional changes are required to sustain proper institutional performance regardless inadequate civic and political culture? What induces political violence in a society? Our assessment methodology is based on two basic principles of representative democracy - popular control and political equality: that is, to what extent do the people exercise control over political decision-makers and decision-making process? And, is there political equality in the exercise of that control, so far? From these two principles we derive the democratic framework of audit, or “search” questions, which enable people to thoroughly and systematically examine the quality of their democracy, human rights and public services.

Our research objectives aimed to throw light on specific ways in which the legislature can exercise its statutory role of an effective political reviewer of the executive and public sector as a whole. We found that there are several institutions that have eagerly accepted our offer and cooperation and some others that saw our initiative as an implicit challenge to their legitimacy. Usually, this approach reflects the preservation of a very wide holdover class of the former Soviet regime officials who would never at all accept the premise that NGOs should participate in the policy making process. So, without having a chance to officially collect those indicators that would objectively reflect the personnel’s quali-

fication, experience, contribution, recruitment and aspirations, the Project devoted a lot of time to collect this information using indirect methods, interviews, press reviews; applying to the existing open sources that are still available. After three repeated attempts to involve top-parliamentary officials to accept the need in this cooperation, we gave up and intensively focused our efforts on qualitative and quantitative assessments that depicted a rather fertile ground to acknowledge the statute of insider’s and outsider’s views on the legislative dynamics. Moreover, particularly intense political evolutions of the autumn 2003 provided us with the possibility to watch the real “power play” of Moldovan parliamentary “democracy”.

METHODOLOGY OVERVIEW

The idea of the democratic audit, or democracy assessment as it is known, is a very simple one. A democratic audit is a comprehensive and systematic assessment of a country’s political life in order to answer the question how democratic it is and how well human rights are protected. The point is to enable citizens in any country to assess the quality of their democracy and to identify what reforms are needed to further democratize their country. A democratic audit can be a valuable starting point in empowering oppressed people or marginalized communities. Democratic Audit first developed its usage framework in the UK. But we re-designed and expanded it for the project commenced by IDIS, IRIS and CIPDD with assistance received from NED, in order to create a valuable framework to assess the democracy condition in all our three countries. It was a great opportunity for us to use the format of the NED Project in order to tease out the implications of what one can conclude to be the ‘core business’ of a Parliament, what is meant by the legislative function of considering, reviewing, amending and passing new laws.

We've planned, discussed and conducted a serious evaluation of the state of these two institutions in order to assess the general and particular aspects of their functional complexity. We strongly believe that our policy work may contribute to the promotion of institutional reforms and to general statute of Moldova's participatory democracy.

Our theoretical assumptions originated from the shared approach that democracy and non-democracy cannot be treated in a dichotomy manner, but more in terms of a gradation, therefore an in-depth comparative research should provide data and information that responds to the causes and consequences of democracy. There are several scientific schools that have approached this issue. A graded perspective is likewise adopted by Robert Dahl¹, using the term 'polyarchy', and later by Coppedge & Reinicke (1990)². By contrast, Sartori finds that 'treating the distinction between democracy/non-democracy in graded terms is an analytically "stultifying" exercise in "degree-ism," which misses the basic fact that political systems are "bounded wholes"'³. In his influential writings on democracy, Robert Dahl likewise incorporates gradations into his conceptualization and definition. He argues, "Countries vary enormously in the extent to which their governments meet the criteria of the democratic process". In his famous book 'Polyarchy', he shares a view of democracy that defines it in relation to an ideal type and thereby lays the foundation for his graded approach. Hence, as "one end of a scale, or a limiting state of affairs, it can (like a perfect vacuum) serve as a basis for estimating the degree to which various systems approach this theoretical limit". Using the term democracy to refer to this ideal, Dahl is providing us with an outstanding analysis of the political regimes functioning in a permanent state of institutional and social conflicts, that embraces various forms and standards.

For the purpose of comparing regimes that fall short of their standard, Przeworski and his colleagues thus preclude the option of qualifying them as 'partial democracies', or 'aspiring democracies'. Instead of stating clearly what the ideal 'democracy' is, quite a bit of political scientists tried to argue what the ideal is not. They propose a separate discussion involving three dimensions of "dictatorship": whether it is mobilizing or exclusionary, how many

formal centers of power it has (executive, legislative, and parties), and whether it rules within a framework of law or in some more arbitrary manner⁴. We intended thus to consider the relationship between the theories and factual evidence that describe the functioning of two major public institutions: the Parliament and the Capital City by collecting quantified and comparable information that is comprehensive, precise, clear, reliable and valid. Two types of instrumental evaluations have been involved in this research: internal and external, between a very formal, which is regularly reported by the key-officials representing these institutions, and a more complex, consisting of various perspectives, categories of respondents and social groups that have a tremendous impact on the way how these institutions are directed and how they act. In both categories, indicators with the help of which we have assessed the institutions (auditing criteria/indicators) and the public opinion survey, Moldova's democratic audit was examined in a comparative perspective, including public opinion polls, qualitative measurements and main conclusions stated on the outset.

A review of basic institutional norms, laws and procedures that regulate their public functioning served as a first step to identify differences existing between the 'institutional' identity and 'individualities' of respective political leaderships that instill implications in terms of various development experiences. Assembling a set of indicators has allowed the team to identify a first mapping of the institutional change that occurred in this institution as a result of a turbulent and multifaceted transition. Second, a continuous effort has been made to assimilate international practices and studies assessing the state of democracy/public institutions in other countries, in particular, having access to the research conducted in Sweden, UK, Bulgaria, Denmark and USA. Third, internal assessment and interviews were conducted in each of the selected institution, with the explicit goal to examine the functional aspects, internal norms of conduct, mentalities and perception of the officials. Fourth, a national representative survey was implemented in the last phase of our research to assess the public perception of how these main institutions function and how this is judged by citizens. Fifth and the final, gathered data, statistics, focus group's results, and processed data from the quantitative surveys; interviews with

key informants were processed through a Desk Research that concluded the initial documentation stage of the research.

The quality of an indicator depends upon its transparency and specificity. The indicators should be developed as part of a participatory process. Though these indicators can assist with an evaluation of governance, it is important to be aware of their potential social and political ramifications. Our project found out that there are several institutions that have eagerly accepted our offer and cooperation and several other institutions that saw our initiative as an implicit challenge to their legitimacy. Usually, this approach reflects the preservation of a very wide holdover class of the former Soviet regime who would never accept the premise that the civil society might participate in or contest the decision-making machinery of state.

We also suggest that six broad groups of factors are significant in shaping the outcomes.

- First, institutional legacy, we refer here to the initial institutional framework inherited from the previous regime.
- Second, the policy environment comprising the character and gravity of issues that new or older legislators face.
- Third, the party system that is external to parliament has a major impact on events within the parliament.
- The existing institutional environment, the number and nature of other actors with whom the legislature interacts, describes the fourth factor.
- Fifth is the legislative environment, the character of the legislative institution within which the committees function and thrive on their own.
- And sixth, a specialized variable is the concentration of committees as a specific form of parliamentary cooperation and supervising body upon the specialized fields, designed by the Parliament as 'strategic relevance' for the legislative process, combined with the resources representing various parliamentary fractions either in a balanced or non-balanced way.

As for the local government, this report analyses the main external elements of Chisinau municipality, the institutional dynamics that took place in the last couple of years and the public opinion reaction to the changes.

The legal framework regulating the activity of municipal public authorities and municipal services is quite complex and contradictory. There are legal acts attacking directly the most fundamental principles of local autonomy and damaging the potential public output that local authorities might produce. There are also good legal provisions that may be judged as being quite advanced compared to other countries of the former USSR. However, the central impediments badly affecting the efficiency of municipal authorities consist in the lack of real implementation of good legal provisions and no political and social reactions to the consequences that bad legal acts engender.

The performances of the municipal authorities are diminished by a strong political conflict inside the municipality held between the municipal council and the mayor. Besides that another and a more serious conflict looms between the mayor and the central governance, mainly the incumbent President of Moldova. The political and institutional quarrel of the local electoral campaign of May-June 2003 was only a preliminary stage for the 2004 political clashes.

Results of the public opinion analysis show that citizens provide the incumbent municipal authorities with some political credit but more efforts have to be applied in order to capitalize it on. Wider and deeper transparency and more frequent public reports and accounting would help to improve the relations with the public and to consolidate the political positions for the general elections.

The Democratic Audit was conducted on a sample of indicators that were identified in cooperation with our Bulgarian and Georgian partners. Four types of social data were thus employed: Field Survey on each of the targeted institution (20 respondents representatives of the national legislature and 60 interviewers representing the Chisinau Mayoralty and Municipal Council); Interviews with key-informants (12 interviews), representative National Survey (1,200 respondents, contracted in 2004, while data were compared with other surveys implemented on the focused subjects in the last 5 years), other Surveys/Data Reports accomplished recently, including: the Freedom House Report (2003, 2004), Transparency International.

We've planned, discussed and conducted a thorough evaluation of the state of these two institutions in order to assess the general and particular aspects of their functional complexity. We believe that our policy work may contribute to the promotion of institutional reforms and to the general improvement of the public discourse regarding the general statute of Moldova's democracy.

THE PARLIAMENT OF THE REPUBLIC OF MOLDOVA

INSTITUTIONAL FRAMEWORK

Legislating is a fundamental feature of the political processes in all democratic states. Law-making and law-enforcing represent a fundamental pair of criteria that are challenging modern states. But, legislatures are themselves by definition 'transitional bodies', being at the same time subject to change and an instrument of simultaneous change of the democratic regimes. It is obvious that the inherited from the Soviet period structures and procedures of 'puppet democracy' were blatantly inadequate to cope with the new demands and opportunities, because of disagreement between many emerging political subjects, and uncertainty because of the absence of the former reprisal policies, which complemented usually the 'fazade' democracies of the former Soviet regime. Moldova has a multi-party political system, with a unicameral Parliament elected by universal, direct suffrage, based on a proportional system.

Since the proclamation of the independent statehood (August 27, 1991), the Parliament of the Republic of Moldova was at the core of the process of building up a new political system, advocating for the key-reforms in economy and social affairs. The Parliament was therefore one of the essential bodies of post-Soviet transformation. It underwent important institutional changes by as-

similating the emerging political pluralism of the 'informal groups' and, by empowering its MPs with effective tools of control over executive bodies and, to even a greater extent, by adjusting its institutional format to the standards and models of modern parliaments. The first Parliament of the Republic of Moldova (1989 – 1994) has literally 'revamped' the role of politicians in the society, paving the road towards a radical transformation of the former Soviet-made republic into an independent and viable state entity. Four major functions were recognized as being its 'core business': representative, legislative, supervising and administrative.

In spite of the instabilities that were inherited from the Soviet collapse, and lack of relevant democratic experience, legislating new political realities was a difficult but responsible roadmap for the first Parliament. A decay of Moldovan democratic conduct is confirmed indirectly by the fact that many international bodies (IMF, World Bank, CoE, EU) used to perceive Moldova in the wider regional context as one of the most trustful and reformist countries among the pioneers overcoming the Soviet legacy of dictatorship. It came to a great dismay by 2000/2001 when in spite of the positive accomplishments of the first half of decade, it turned into a kind of institutional lethargy, contemplating how the economy continued to shrank, while structural and social reforms ceased to be implemented as originally planned.

Trust in the Parliament has also dropped significantly, while confidence in political parties registered the lowest indicators. Continuous dissatisfactions of ordinary citizens coagulated into a larger protest-vote that propelled like a snowball the political crisis as the one of early 2000 and served as triggers for the anticipated general elections in 2001 in Moldova. We assume that after August 2000 constitutional changes, the new parliament elected as a result of the February 2001 elections became more institutionalized, but less functional and representative. Transparency is of course a fundamental criterion to judge upon the commitment of the legislature to work according to the values proclaimed in the fundamental acts of the state. But, transparency is largely linked also to accountability, tolerance, genuine popular representation and effectiveness of the law-making, ensuring a fertile ground for political debates, in which civil society, mass media,

unions and NGOs should play a considerable role. Therefore, while assessing performances of the legislative chamber, one must include not only the numerical/statistic indicators but also qualitative assessment of Parliament functions as the supreme expression of the Parliament. And even statistics, however, shall be analyzed with a great deal of attention because it provides us with a very interesting picture in this respect⁵:

First legislature (XII of 1990 – October 1993 years) has adopted a total of 1,683 acts, out of which 802 were Decisions of the Presidium of the Parliament, 682 decisions of the Parliament and 199 laws. One may want to know that during 1990–1994 the most considerable part of the Presidium's decisions had a normative and general-compulsory legal character. In the above mentioned period of time, the President had the right to issue decrees-laws through which most of the fields of activity were regulated. Here is to be mentioned that out of 199 laws adopted 105 were totally new laws (52,7%), and 94 (47,3%) were proposals to amend the existing legislation.

Second legislature (XIII of 1994 – 1998 years) adopted 1,108 decisions and 517 laws, out of which 197 (38,1%) were new basic laws, while 320 (61,9%) were proposals to amend the existing legislation.

Third legislature (XIV of 1998 – 2001 years) adopted 1,440 acts, out of which 973 were decisions and 467 laws. Almost 147 (or 31,5%) were new laws, while 320 (or 68,5%) were proposals to amend the existing legislation.

Current Legislature (XV of 20.03.2001 - 26.12.2003) has adopted 2,181 of new legislative acts, out of which 1,284 were decisions and 897 laws. This is to be mentioned however that 156 (or 7,1%) were new laws, while 741 or 92,9% proposals to adopt or complete the existing legislation.

What kind of conclusions can be drawn from the above-mentioned statistics? First of all, one may observe that the first three

parliaments have adopted more or less an equal number of decisions/laws: 1,683 between 1990 – 1993, 1,625 between 1994-1998 and 1,440 between 1998-2000. Apparently, the last Parliament has registered the largest quantitative indicator of newly adopted decisions and laws at sight. But, if one would look into the qualitative analysis of the adopted laws, then, it would be obvious that an alarming trend is clearly taking place with the acting legislature. First of all, there is a gradual and substantive reduction of new laws adopted (from 52,7% in 1990-1994 to 38,1% in 1994-1998, and 31,5% in 1998-2001 to only 7,1% in 2001-2003).

How can we explain this situation? Of course, the functioning of the first Parliament was largely unique first and foremost because of the 'foundational' decisions and laws laid down in the years originating from the Declaration of Independence of the country (27 of August, 1991), abolishment of the Soviet-based 'mock' legislation and the creation of a set of basic legal prerequisites for the democratic regime. This assessment should carefully consider the almost absolute lack of legislative expertise among the MPs of the first Moldovan Parliament, which proclaimed state sovereignty and independent statehood through a painful process of confrontation with the political and military leadership of the USSR. Needless to say that the first Parliament has been the most active supporter of Moldovan statehood, independence, and respect of basic freedoms and liberties by the time when Russian Federation has violently intervened on behalf of the separatist regime in Transnistria, which literally split up the country. In spite of the difficult role it had to play in a 'violent environment', the 'foundational' Parliament was one of the most effective in law-making. Following its example, the second legislature of the Republic of Moldova (1994-1998) continued the path of reforms and showed its willingness to follow the implementation of structural reforms within a totally new legislative framework: privatization of the former state assets, land-reform, that were elements indispensable for the strengthening of the statehood, consolidation of the new political, economic, legal and social-cultural relations in the society. In July 1994, it adopted a new Constitution and over 200 new laws were enshrined during its mandate. At the same time, it has revised the older 'soviet-era' legislation, while the share of

the new laws represented almost 38,1%. In the same tradition, the legislature of 1998-2000 continued the rejuvenation of the legislation, further reforms and the share of new laws were at the level of 31,5%.

The situation of the current Parliament needs some remarks. Of course, in statistic terms, it has adopted a record-number of laws - almost 4,5 times more than in 1990-1994 and 1994 – 1998 and almost 6 times more than in 1998 – 2000, but most of the adopted legislative acts were amendments and not new laws. How can it be explained that in 93% of these acts the Parliament makes new modifications and amendments of the old laws and only 7% of them were new laws? What is the official and unofficial explanation for this situation? Our explanation is that the ruling absolute majority of the current Parliament has been more concerned with the revisions of the legislative and constitutional framework than with the need to promote new laws and concepts. Apparently, it is the doctrinal, scheduled position of the ruling Communist party that has placed itself, from the very beginning, against the state independence of the Republic of Moldova and, on its most intimate feelings, openly claimed for the maintenance of the state within the framework of the USSR, conservation of the political, economic-financial and social relations that were bound on Soviet administrative and political realities. Due to the radical opposition of the left-wing parties led by the CPM against the emerging Moldovan statehood, it has devoted the largest part of its energy and initiatives to obstruct the path towards genuine independence; it largely disputed the legislation and practices of introducing private ownership in the economy, transformation of the former collectivist land-ownership in the countryside, strengthening the role of entrepreneurship in the society, which were perceived as being at stake with its old-fashioned ideologies.

Instead, it vehemently claimed to return the country within the political, legal, economic and military Soviet space, i.e. by joining the Belarus-Russia Union. Another hindering factor is the election program of the Communists, whose populist nature is recognized even by the leaders of the Communists⁶, who admitted that most of the election promises have never aimed to be accomplished by its promoters, by mixing up the re-make of the socialist ,vir-

tues', increasing the role of the state in the market-led transformations, while promising that they will be able to triple or quadruple the budgetary revenues, to keep medical and education costs low as in the Soviet time, to cancel existing gas-debates and communal costs, etc. Becoming the hostage of its own ,election technologies', suddenly, it realized that it will be unable to reach most of its promised ,golden mountains'. Therefore, the only successful strategy is to revise at least some of the ,components' that were earlier condemned in ideological terms, without having the capacity to oppose the transformation process in a radical/conceptual way.

For the sake of the analysis, we have selected a sample of laws adopted in 2001 and have calculated that all together, 23 laws passed in the last 3 years suffered 322 amendments. Needless to say that all these amendments have seriously affected the state of affairs of economic and social actors, suggesting the lack of a consistent and serious governing program, if one considers that from 80 to 90% of all the draft laws are submitted by the Government. Members of the Parliament confessed that sometimes, the same law is amended 3-4 times in the same day. Considering the low level of intellectual potential of its stubborn supporters, the ruling Communists initiated a policy that aims at ,changing everything but reforming nothing', thus, increasing legislative instability and promoting poor draft laws onto the legislative agenda. Only the budgetary law has been amended 68 times in the last 3 years, Penal Code - 32 times, Administrative Code - 55 amendments, Civil Code - 13 amendments, Procedural Penal Code - 27 amendments, State Tax Law - 16, Law on entrepreneurship and enterprises - 15, joint stocks and telecommunications - by 6 amendments each.

LEGISLATIVE LEGACY AND GENERAL INDICATORS OVERVIEW

Though building up parliamentary experience Moldova does not have a longstanding tradition of parliamentary democracy. First of all this is because of the permanent political tribulations that occurred in this region. Only a short period of time of the Moldovan

history in 1917-1918 is characterized by a national legislative body (Sfatul Țării), but it is not entirely clear whether that body could be deemed as a democratically elected representative institution. Four Parliaments replaced each other after 1990: the XII Legislature – 1990-1994, the XIII Legislature – 1994-1998, the XIV Legislature – 1998-2001 and the XV Legislature – 2001-2003. Obviously, one should recognize that under the Soviet regime in 1944-1991 the “representatives of the people” were in fact exponents of the only one political party and no genuine democracy existed. Shortages of traditions of representative democracy, memories of turbulent history, parochial political culture dominating in this country and the associated backwardness of present political elite may well explain the difficulties that Moldova meets nowadays in political transition from a totalitarian to a democratic society.

Installing a sovereign Parliament before the USSR dissolution: It is worthwhile to mention that Moldovan Parliament is counted officially as the “Parliament of the 15th legislature”, a name implying that the Parliament is a historical successor of the legislative institution existing in the Soviet period – “the Supreme Soviet”⁷. In spite of the emphasized origins and alleged continuity the Moldovan legislative authorities started to work properly as a legislative body only after the Declaration of Independence on August 27, 1991. A short time before that Declaration, on July 18, 1991 the “Supreme Soviet” was renamed “Parliament”, and also “Sfatul Țării” that replayed the old name inherited from the 1918 regional assembly. A provisional Internal Regulation was approved (later on, it had been abrogated in 1994). Except this first Parliament, the other three Parliaments have been elected in Moldova by universal suffrage, by free and democratic elections.

Anticipated general elections were held in February 27, 1994, on the basis of the first Election Law of the Republic of Moldova. The allegedly centrist although leftist as political stance, Agrarian Democratic Party (ADPM) won a relative majority in those elections, and ruled cooperatively with the Socialist/Unity Party (SPUEB) for the first 18 months of the session. Rightist parties - the Christian-Democratic Popular Front (CDPF) and the Bloc of Peasants and Intellectuals (BPI) – remained in opposition. For a very short period of time, President Snegur, Prime-Minister Sangheli and Speaker

Lucinschi succeeded to adopt a new Constitution, in July 1994, which – in spite of the well-known drawbacks – was one of the first democratic and reformist Constitutions on the whole space of the former USSR. Of particular interest could be the provisions related to the functioning of the Parliament. Thus, art. 60 (1) stipulates that the Parliament is ‘the only existing legislative authority of state’. Art. 66 (a, c and g), provide an explanation of the very notion of legislative activity, stating that ‘the Parliament adopts laws, decisions and motions, interprets the laws and ensures the unity of the legislative regulations throughout the territory of the country, but also ratifies, dismisses, suspends or abolishes international treaties agreed by the state. Moreover, art. 72-76 clearly defines the categories of laws which are adopted by the Parliament: constitutional, organic and ordinary, fields of the social relations that pertain to a particular category of laws, as well as the specific law state budget elaboration and allocation of social subsidies.

On June 26, 1995, the acting President Mircea Snegur resigned from the Agrarian Democratic Party causing a split in the party and forcing the Agrarians to rely on SPUEM (Socialists / Edinstvo Movement) by retaining a simple majority in the House. This caused a radicalization of the left-wing elements of the ADPM and, to a certain degree, a marginalization of the moderate supporters in the ruling party. Indirectly, this caused the leadership of the Parliament to promote the idea of ceasing the ban on the Communist Party (imposed in August 1991), as a ‘sign of democratic faith’ to the excluded political wings, which, in time, proved to be a wrong step. But, the very fact of the former Soviet kolkhoz nomenclature coming back to power as an “Agrarian Democratic Party” just 3 years after the inception of economic transition proved the pervasiveness of leftist ideology in Moldova. It also proved however that unstable coalitions and the inflation of small but weak parties degenerate into political turmoil and lack of reforms. The same political pattern appeared to resist in the next 2 general elections in 1998 and 2001. On the basis of results of the last social surveys one can reckon that a radicalized leftist orientation, nurtured by the nostalgic mentality that subsisted in the political class of the Republic of Moldova have preserved its stronghold force and appeased circulation of elite within the parties.

At the end of painful talks, a new government was confirmed by the 1998 Parliament. The 16-member cabinet led by Ion Sturza consisted of leaders from the Movement for Democratic and Prosperous Moldova, the Democratic Convention, and the Party of Democratic Forces. That government is widely - known as an “algorithm government”, perceived more as a jargon than a technical terminology of the political system, and this was due to blamable practice of attributing top-led positions in the ruling executive coalition of the government through a ‘party deal’ scheme. Public perceptions were extremely negative on the rumors around ministries nominations from the lists of political groups, irrespective the party merits or competence aligned to the “Alliance for Democracy and Reform”. Since political disparities within the ruling coalition increased sharply, that government did not last too much even though important successes were registered in stabilizing the Moldovan economy affected drastically by the 1998 Russian financial crisis. There is a general belief among Moldovan political establishment that the dismissal of Sturza government impeded Moldova to obtain or at least to be promised a status of EU-associated country in 1999-2000.

But in case of Moldova the Constitutional change of July 5, 2000 remains highly controversial. It is still considered to be the trigger that allowed the CPRM to achieve a brilliant election victory gaining unlimited access to political and economic power. Indeed, one could assert that in the year of 2000, a short time after being hit by the Russian financial crisis of 1998, Moldova needed everything except for a political crisis generated by cynical antagonisms, selfishness, arrogance and corporative stance of the main political actors of the time. Had Moldova not suffered the political blow of summer 2000, the elections of February 2001 wouldn't have taken place and, in 2002 round of elections, it would have probably registered quite a different score in elections. Certainly, no one was prepared in Moldova to live under the consequences of full and complete victory of the Communist party, and even the party that mostly benefited from the sudden ‘smile of fortune’ appeared to be unsure in what to do with such a snowfall score in elections.

In the early parliamentary elections held on February 2001, the PCRМ scored a “land-sliding victory”⁸, being cast with 50,07 % of the valid votes. And again, as in early 1994, anticipated elections proved to be disastrous to democratic parties that were mostly oriented towards European values and constitutional consolidation of the statehood. Populist electoral promises falling on the fertile soil of general impoverishment combined with low rates of participation of youth determined such a major victory. On April 4 2001 the Parliament elected Vladimir Voronin, the Chairman of the PCRМ, as President of the country. Pledging to keep the track of reforms, the new Prime Minister Vasile Tarlev was designated by the President upon consultation with Parliament in April 2001. As a former manager of the largest candy factory in Moldova, Tarlev has been appointed as a ‘technical manager of the Cabinet’, thus, underlining the need to continue the reforms initiated by his predecessors. It appeared that the Prime Minister plays better off as a ‘political appointee’ than a reformist; and quite a long series of political statements have eroded his ‘technical neutrality’.

The second parliamentary elections were held on March 22, 1998. The same as in the case of the first elections they were held on the basis of proportional representation with party lists. The results of the elections came to a large surprise to the former ruling party which suffered a large failure, and even did not pass the threshold of 5% to enter the Parliament. Only four parties passed the 5% threshold, valid at that time, and no independent candidate succeeded to collect the reasonable number of votes. Another major outcome of the elections was that the Communists Party (registered officially by the Ministry of Justice in 1994) won 30 percent of the popular votes cast in elections, which was translated into 40 seats in the 101-member chamber. The outcome was that the non-communist parties were determined to set up a ‘provisional peace’ and initiate talks on how to rule the country. With a Moldovan population tired by failures of economic transition, the PCRМ's success should have been carefully considered by the right-wing opposition as a premonition of potentially more land-sliding communist victories at subsequent elections. The center-rightist Democratic Convention of Moldova (CDM) won 26 seats. The “Bloc for a Democratic and Prosperous Moldova” (BDMM), a

centrist party closely associated with President Petru Lucinschi, won 24 seats. The center-rightist Party of Democratic Forces (PDFM) was represented by 11 MPs. Despite the relative majority of the Communist fraction, the three non-Communist parties formed in April 1998 a coalition called "Alliance for Democracy and Reform".

FROM SEMI-PRESIDENTIAL TO PARLIAMENTARY REPUBLIC

The transition from semi-presidential to parliamentary republic was one of the most significant and contradictory political developments of the post-1991 Moldova. Already in the spring of 1999, President Petru Lucinschi set up a National Committee for the revision of the Constitution by decree. Although, the Decree did not mention the task to change the political regime, it envisioned the 'need to elaborate a concept for the political regime, considering the tremendous relevance for the establishment of a presidential rule for the country and for the future of the society'...⁹. The Presidential initiative could not find out an enthusiastic support among parliamentarians who feared that strengthening the competencies of the president were inspired by the anti-democratic changes in most of the ex-Soviet republics, thus, they could not but fight back the attempts of the incumbent President. So, as soon as the President set up his 'commission' and announced that he would favor this initiative to be voted in a national referendum, almost all parties and fractions strongly disputed his argument and instead, they connoted a counter-proposal aiming to transform the semi-presidential type of political regime into a parliamentary one. Passions prevailed in public debates and many considered the political response as an attempt to punish any other 'presidentialist trends' guised under populist slogans.

Firstly the initiative of constitutional amendment came from the President but his intention was to modify the legislation in a way that would give him more power and would change the political system from a semi-presidential to a presidential one. In May 1999 already, during general local elections, the President initiated a consultative referendum regarding the political system in

the Republic of Moldova. Respondents were asked to express their preferences either for a parliamentary system or for a presidential. According to the computations of the central electoral commission, 64% of voters claimed to support the idea of giving the President supplementary powers. Inspired by optimistic results of the "first round" the President intended to organize a second referendum that would engender legal consequences resulting in amendment of Constitution. His central argument was that a parliamentary system would produce nothing more than an increase of political and social instability in Moldova because of the lack of consensus among the factions sitting in the previous Parliament. His constitutional revision came after a long range of acute political conflicts between the President Petru Lucinschi complaining of having few and shallow competences and the Parliament chaired by Dumitru Diacov trying to impede the excessive concentration of power in the Presidency.

The Constitution could have remained unchanged had the president gave up his initiative. Ironically, that was not the first attempt to transform the political regime in Moldova. Mircea Snegur was the first Moldovan President, elected initially by the parliament, then through the general vote. During his mandate the first president also asked for supplementary powers to be granted to the President¹⁰. But the Parliament whose chairman at that time was, surprisingly, Petru Lucinschi ignored his appeals. Now, as soon as the acting Chairman of the Parliament went into disgrace of the President Lucinschi, the situation has sharply changed. In 2000, Mircea Snegur, seating by then in Parliament, stated that for the Republic of Moldova the parliamentary system is more adequate than the presidential one. He argued that at the beginning of the 1990s his request for supplementary constitutional powers was determined by "the necessity to solve operatively many problems that the new state was passing through". In his opinion, in 2000, Moldova had already developed a legislative base and it would have been irrational to give special powers to the President. New presidential elections were scheduled to be held by the Parliament in December 2000 since the legal mandate of Mr. Lucinschi was due to expire in January 2001.

While supported by a population intoxicated with the perspective of having "the President responsible for everything" the above

argument was faulty and many analysts compared potential consequences if implementing that presidential initiative in Moldova with the meager situation of democracy in some post-Soviet central Asian or Caucasian republics where the “continuity” of power in presidential systems is guaranteed either via lifetime nomination of the presidents or, as the Azerbaijan case shows, via inheritance from father to son. In a road contrary to presidential initiative, a group made up of 39 MPs launched in response a constitutional initiative to amend the Constitution by cutting up the elected character of the President, thus, making him subordinated to the Parliament. The proposed amendments were targeting to substitute the semi-presidential regime with a parliamentary one, getting rid of the paternalistic habits of the acting President.

On July 5, 2000 the Parliament amended the Constitution and political system in Moldova turned from a semi-presidential into a parliamentary republic. This conflict may be deemed as having triggered directly the anticipatory general elections of February 2001. The confrontation between President Luchinschi and the ‘hostile to him’ Parliament majority ended only in July 5, 2000, when the amendments proposed by this majority were fully adopted, canceling those provisions that stipulated the exercise of direct popular elections of the President, and setting up the supremacy of the parliamentary authority over President. But, when the deputies showed an exemplary reason to vote against President’s plans, they had hardly voted for a new political system that replaced the previous semi-presidential system. This can be documentary proved by the fact that the main prerogatives and attributions stipulated by the Constitution remained without any change in fact; that, a President that is elected by the Parliament enjoys practically the same spheres of power that the previous one - that has been directly elected by the voters.

The most sensible competencies remained absolutely untouched in the new constitutional provisions. Art.82 of the Constitution - nomination of the Executive - disappeared from the Constitution, but the same provisions reappeared in the art.98, which stipulates the official confirmation of the Government. Similarly, the abolition of the art.83, which earlier stipulated the ‘right of the head of state to participate in the Governmental sittings, to consult it in

the most urgent or outstanding issues, and preside the sittings in which he participates, could not but unveil the impossibility to decline any President’s role in leading the executive activities as soon as the main sovereign competencies, such as: defense, national independence, unity and indivisibility of the territory of the country, could not be accomplished without having a strong and undisputed cooperation with the Government¹¹. In addition, President bears responsibility for the governance results, due to the fact that according to the provisions of the art.98 of the Constitution, he is entitled to propose candidates for the Prime-Minister, which are accepted or not by the Parliament, and later on are confirmed through a ‘vote of investment’, or - dismiss, in case of governmental reshuffle or vacation of position. At the same time, the President has lost its legal prerogative to dissolve the Parliament in case of electing of a new head of state, of the failure to appoint a new Government or, because of legislative stalemate, which is stated to become thus a ‘destabilizing factor for the political system, which is ‘less functional and more ostensibly bargain-oriented¹².

This led to the dissolution of the former ruling Alliance of Democratic Forces (ADR) and, to imminent elections in February 2001¹³. After several months of unstable coalition and mutual accusations, ADR components split over and, at the time of elections, only 2 parties retained their legislative seats - Communist Party (CPM) - with 50,2% and Christian Democrat Popular Party (CDPP) - 8,18%. The third parliamentary fraction was Braghis Alliance - with 13,45%, headed by the former Prime Minister, Dumitru Braghis, ranked as Lucinschi’s political successor. Thus, the very initiative of curbing the consolidation of presidential power has produced even more trouble than previously. It seemed at that time that the culminating point of the drama was reached and the President suffered a daunting defeat. However, after two unsuccessful attempts of the Parliament to appoint a new Prime Minister after the failure to vote for the acting Sturza Cabinet, and later on, for the candidates, proposed by parliamentary factions, in January 2001 the incumbent President, Petru Luchinski, dissolved the Parliament and called on early election in February¹⁴. The failure of the previous Parliament to pick a new president was due to the centre-right majority boycotting the election in a bid to pre-

vent the election of a communist candidate. The 2000 August Constitutional changes provided a sound basis for the transformation of the political regime of the country from a semi-presidential system to a classical parliamentary rule. One should say that dismissal of the Parliament respected all new legal and constitutional norms introduced by the same Parliament and could have been forecasted by those that vehemently opposed the nomination of the Prime Minister, or those that were willing to see sooner or later the defeat of the acting President.

On February 27, 2001, the Communists gained constitutional majority (71 seats out of 101) that revamped literally the role of the legislative body, as well as other major state public authorities that were challenged to adapt themselves to the new rules introduced by the super-dominant role of the new ruling party. This is one of the reasons to research the functional transformations that occurred in this format in order to understand how democratic institutions thrive and subsist during reactive governance in the emerging democracies like Moldova. On the same day with the Parliament's inaugural sitting, the Communist super-majority fractions installed their General Secretary in the position of the President of Moldova. Thus, an "all against all" conflict between the former President and the former Parliament has led to nothing else than to a political death of the main actors involved there, and what is even more important - to the essential revamping of the political scene in Moldova. Some analysts considered the political system change as a bright victory of democracy in a post-communist country that permitted to avoid the central Asian scenarios¹⁵. The main assumption of political theory is that a parliamentary republic would assure a sounder democracy than a presidential system. Although some mature western democracies, like France and the USA, are semi-presidential or presidential regimes, a parliamentary regime is considered more effective in preventing a dictatorial or authoritarian backslide.

But, the Moldovan case proves that even in a democratic parliamentary regime a single party can easily gain a hegemonic dominance and employ its relative size to undermine political pluralism. Majority versus minority relations in the Parliament

constantly decreased the space for political maneuvering and compromise, mainly because decisions were clearly taken outside of the legislative house. As analysts commented, 'the opposition felt itself annihilated, paralyzed, while the civil society was unable to countervail the antidemocratic impulses of the super-majoritarian party'¹⁶.

The lack of effective 'parliamentary-rule' and unwillingness for dialogue made the opposition express their dissatisfactions in the streets in early 2002, as well as in the fall of 2003. Participation of the opposition in the street-protests served as a prove of 'anti-constitutional behavior' for the Prosecution, which demanded in February 2004 to lift the immunity of a number of deputies. On February 27, the Communist faction lifted the immunity of 3 Christian-Democrat MPs (Stefan Secareanu, Iurie Rosca and Vlad Cubreacov), raising intense critics from OSCE and PACE¹⁷. Since March 2004, the parliamentary fraction of the CDPP initiated a new wave of strikes, blocking the central tribune of the parliament and, thus, being excluded from speeches in the house. They've accused the leadership of the parliament for their 'procrastinated interest to hide budgetary expenditures of the house' that became for the first time in the history of the Moldovan statehood 'fully secret', 'for official use', being unavailable even to the MPs of the present legislature. In spite of progressive discontent of the opposition parties, the super-majoritarian rule installed at large in the Parliament have not admitted that the issues rose by the opposition 'are worth to be treated seriously' and, accordingly, blamed the opposition that it wishes only to 'politicize the agenda'.

Another important point is the fact that the undemocratic behavior of the Moldovan Parliament is replicated by many other public institutions in the country. This fact holds true for both central and local levels of public administration. Misconduct, in democratic terms, of such public institutions like the state TV-radio broadcasting station, the Council of Audiovisual, the Agency for Regulations in Telecommunications and Information, the Municipal Council of Chisinau Municipality in relations with either political and bureaucracy actors or with general public only confirms this point of view. It appears that the same diagnoses will

persist - at least until the next general elections in 2005, further exacerbated by gregarious behavior, continuous migration of Moldovan youth looking for jobs abroad, and political corruption, which usually multiplies anti-liberal preferences¹⁸.

TOWARDS A 'PRESIDENTIAL PER EXCELLENCE' PARLIAMENTARIAN RULE

Polls showed in August 2000 that 82% of respondents believed that 'the country goes into a wrong direction' (against 8%), while the trust in political parties reached the ever worst indicators (11% as compared to 77% in church, 55% - mass media, and 10% - Parliament). The negative stance started to drop in 2001 with the vociferous appeals of the Communists to increase stability and predictability of the changes¹⁹. In November 2001, only 48% stated that the country is going into a wrong direction (against 21% which showed optimism). With a large constitutional majority of 71 out of 101 seats in the one-chamber Parliament, the CPM was associated by many citizens with a good promise to stability and economic growth. Over 50% of respondents said they would oppose a dissolution of the Parliament, governing by decrees, establishing a censorship in the mass media, banning public protests or demonstrations, other meetings or limiting the right of circulation for Moldova citizens²⁰.

Very soon a paradox situation occurred with the newly established Parliament. Contrary to the constitutional realities that provided almost an undisputed role to the Parliament, the CPM faction promoted its leader in the position of the President of state and not as of the Speaker of the Parliament, for which, the CPM lobbied someone that had a totally irrelevant position in the party until 2001. Political analysts described this choice as an attempt of the President, Vladimir Voronin, to annihilate any possibility of power-contest from the position of the Speaker, that earlier had made the former President Lucinschi to loose control over its pro-presidential party, (Movement for a Democratic and Prosperous Moldova, led by the Speaker of the Parliament, Dumitru Diacov).

The President was apparently not satisfied with this situation and soon started to grow up his staff and policies, showing

to everyone that the real and the most effective power-keeper is the President, who installed a rigid and omnipresent subordination of the majority faction to the Presidential 'indications' (party-based), which, of course, run against the constitutional provisions (art.68), which states that 'during their mandate, deputies act on behalf and to the benefit of the people', and not of the party or its leader.

In addition to its representative role, Parliaments have to fulfil two other roles, i.e. lawmaking and monitoring of the executives. According to article 73 of the Constitution the right to legislative initiative belongs to the acting Members of the Parliament, Government, President of Moldova and the Popular Assembly of the Autonomous Territorial Unit 'Gagauzia'. The acting Parliament of the Republic of Moldova is a unicameral legislative and representative body. The election, institutional structure, organization of sessions and general functioning of the Parliament are set out by such legislative acts as: Constitution of Republic of Moldova, in part III, "Public Authorities"; Law on Parliament Internal Regulations;²¹ Law on the Statute of the Member of Parliament;²² Electoral Code, in Title III "Parliamentary Elections"; Law on Legislative Acts²³. All law-drafts and legislative proposals submitted for examination in Parliament are registered by the Permanent Bureau and distributed immediately to all delegates, but can be included in agenda only in a 15 working days time.

The chairman of the Parliament or a vice-chairman submits the law-drafts to be debated and possibly endorsed by relevant permanent Committees. Any Permanent Committee has the right to give its notification on law-drafts, submitted by the leadership of the Parliament. Curiously enough, however, the latter legal prescription contradicts the right of the Permanent Bureau to reject any Committee's request to give its notification. But this decision can be overcome by the Parliament with a simple majority of votes. As in other legislative practices, Moldovan parliament can adopt 3 types of laws: constitutional, organic and ordinary, as well as decisions²⁴. Ordinary laws and Parliament's decisions are adopted by the vote of the majority of MPs having attended the session. Organic laws and other constitutional laws are adopted by the vote of the majority of

elected MPs or by other qualified majorities. The MPs vote personally by open or secret vote.

The law-making process begins with the formulation of legislative initiative. Then, after its quick examination in the standing committees, which are responsible for the legal notifications and reports on the drafts of the law or legislative amendments. All law drafts and amendments are submitted for obligatory legal advice to the Legal Direction of the Parliamentary staff and as soon as the legal report is available, the drafts are included on the legislative agenda for discussions. Later on, when the drafts are already on the agenda, general debates are held at common sittings, where deputies may freely express their opinions on the respective concept or drafts of the law. Usually, drafts of the law are debated in two subsequent readings. On the other hand, the parliamentary Regulation stipulates the possibilities of adopting ordinary laws and, after a first reading - and the organic laws - in their second reading. Organic laws are adopted with the vote of the majority of elected deputies, while ordinary laws and decisions - with the vote of the majority of deputies present in the hall.

The Parliament's Internal Regulation as well as the Law on legislative acts set up the basic regulations for the legislative process by formulating the main rules, terms and procedures that are required in order to discuss, vote and enforce new laws. The Internal regulation stipulates a roadmap for the drafts of the laws that are to be considered initially in the standing committee, special committees and at the plenary sessions of the Parliament. The law-drafts rejected by the Parliament cannot be discussed any longer during the same session. A law comes into force on the day of publication or on the date noted in its text. According to the Law on legislative acts if a law is not published it actually means that it does not exist. The Legislative procedure in Moldovan Parliament includes several stages: drafting legislative initiative by law-initiators; examination and endorsement of law-drafts by permanent committees; inclusion of the law-drafts in plenary session agenda; law-drafts debate; adoption (in one, two or three lectures); signing of the law by the Chairman of the Parliament; promulgation by the President of Moldova and publishing the law. The stages of the legislative procedure are determined by the Consti-

tution, Parliament Regulation, Law on legislative acts and, in some cases, by common rules, that result from parliamentary practice and traditions. It should be mentioned that in spite of the exceptionally important role that this Regulation plays for the organization of the law-making process, the document has been never published in the *Monitorul Oficial*.

But this is not an exception. Neither the budget of the Parliament and the respective distribution of expenditures can be found, nor are the records of the plenary or special sessions available to the public. In spite of the repeated appeals to make them accessible to the press, parliamentary staff claimed that this would be in contradiction with the provisions set up by the Internal Regulation of the Parliament, which thus conflicts with the Law on access to information, and Constitution. This is to be emphasized that the drafts of the constitutional laws on budgetary issues, finances, economy, which may need considerable financial expenditures, as well as international treaties, by a special decision of the Parliament, can be debated in the third reading as well. No obligation to make the drafts of the law available to the public in the official press is made, although, regularly, drafts of the law which are launched by the ruling party are extensively mediated²⁵. No other opposition party can advertise its own legislative proposals in the official press, which are "founded by the Government of Moldova". After the adoption of the law, it is then undersigned by the Chairman of the parliament, who sends it for the last promulgation to the President of the state.

If there are some clarifications to be made in this regard, the President is entitled to send it one time no later than in the following two weeks after its adoption for reconsideration. However, the Constitution is making the President compulsory to promulgate the law in case if the Parliament is keen to stick to its earlier decision, and if the Parliament gives up, the law is considered approved. All laws are enforced in the date of their publication in the *Monitorul oficial*. Supervision of the executive power is therefore a core regular business of the Parliament. Typically, there is no a specialized body on behalf of the Parliament in accomplishing this job and it is believed that weekly hearings (Thursday) of the top-executive officials, who are appointed by Parliament,

should be enough for any specific communication or inquiries to the executive officials. Prior to this day, opposition and the majority fractions are entitled to address some of their policy concerns to the Executive, in a written form, in order to have an official answer to almost all their questions. Agenda setting-priorities is formally the business of the Permanent Office, which formulates it on the basis of the proposals coming from the standing committees, and later approves it with a simple vote. Decisions adopted in the committees, the Permanent Bureau as well as in the plenary sessions do represent the political will of the (existing) majority of MPs.

PARLIAMENTARY COMMITTEES

The internal structure of the Parliament includes: parliamentary fractions, Permanent Bureau, standing committees and deputies. On top of the standing committees is the Permanent Bureau, having a representative mandate and a competence to deliberate and decide upon the agenda of the Parliament. The Permanent Bureau is the working group of the Parliament. It is established on the basis of proportional representation of all the fractions of the legislative body. Every Friday, the Permanent Bureau holds its working sittings. The Chairman and vice chairmen of the Parliament are Members of the Permanent Bureau, making in total a number of 11 representatives, out of which 7 are Communists, 1 PPCD (Christian Democrat Popular Party) and 1 BEAB (Election Block 'Braghis' Alliance)²⁶, and 1 independent candidate (in fact, that left the fraction he represented in the elections):

There are 10 standing committees in the Parliament of Moldova. The number, name and numerical composition of the Committees is decided by the Parliament at the proposal of the Permanent Bureau, therefore the number of Permanent Committees varies in each legislature. Committees are specialized in various areas, reflecting in an approximate manner the governmental responsibilities. In Central European legislative houses, the number of committees varies from 11 to 24, with the number of members per committee ranging from eight to 32. In addition to the permanent

legislative committees, most of the Parliaments (two-cameral or one-cameral) of the Central and Eastern Europe have relied extensively on the creation of special purpose temporary committees for both legislative and investigatory purposes. Comparative analysis based on seven indicators of institutionalization suggests that the committee systems of Hungary, Poland, and the Czech Republic are more institutionalized than those found elsewhere. Bulgaria is a middle case, while the parliaments of Moldova, Lithuania, and Estonia are the least institutionalized. As the indicators show stability in committee membership and extent of committee activity are among the most important factors for post-communist parliaments in their first decade²⁷. Permanent Committees with distinct responsibilities carry out the work of the Parliament on "operational" and "sectorial basis"²⁸. The Parliament of current (15th) legislature has 10 permanent Committees:²⁹

- Committee for legal affairs, nominations and immunity;
- Committee for economy, industry, budget and finances;
- Committee for national security;
- Committee for foreign policy;
- Committee for human rights and national minorities;
- Committee for public administration;
- Committee for culture, science, youth and mass-media;
- Committee for agriculture and processing industry;
- Committee for social protection, health and family;
- Committee for environment and territorial improving.

As in other legislative chambers, committees are designated to act as instruments of operative work, by which parliaments may take independent actions from the executive power with the view to develop, consider, identify and explore new policy options. Hence understanding legislative committees is essential to evaluating the role that legislatures play in the overall political system of the country. The phenomenon of strengthening the mandate and role of the standing or ad-hoc parliamentary committees was frequently seen as a sign of consolidation for the legislature. And vice-versa, relying too much on the data and drafts received from the executive, irrespective to the linkage/political patronage exercised by

the ruling or coalition majority of the Parliament means, in fact, a certain degree of functional dependence on the executive.

The consolidation of the legislative power is known in the political sciences as 'the institutionalization of the Parliament', that can be analyzed by looking into the indicators of growing stability and consistency in salient attributes of standing or ad-hoc created parliamentary committees. Among those indicators are: (1) party ratios in both general committee membership; (2) officer positions in committees on behalf of the parliamentary fractions; (3) changes in rates of turn over in committee membership; and (4) leadership of the committees. Our observations now, in the beginning decade of post communist politics will provide a base line for future research. As subsets of parliament, committees both reflect, but contribute to, the ways in which the whole parliament functions. The degree of coordinated leadership of the chamber will directly affect both committee membership selection and the rules by which parliament considers legislation. Furthermore, changes should occur in the external relations of committees, including the substance and quantity of referral of legislation to committees; inter-committee coordination mechanisms, relations with parliamentary leadership, relations with government, and policy impacts.

Permanent Committees - as described by the Acting Regulation - are the 'working bodies of the Parliament' (art.14), playing a special role in preparing its proceedings, as well as in the exercise of the parliamentary functions, especially legislative creation and parliamentary control, while remaining subordinated to the Parliament. In their turn, Committees guide their works according to a number of internal proceedings and Charts. Quickly after the results of the general elections are announced and deputy's mandates are confirmed, the new Parliament designates a number of permanent committees (art.14, p.3) which will be operational during the whole mandate of the Parliament, preserving their initial name, number of full-rights members and political representation, which is endorsed by the Permanent Office of the Parliament. Chairing the Committees is considered to be of great political relevance for all the parliamentary fractions represented in the Parliament, therefore, candidates that are proposed on behalf of the fractions are later on confirmed through an open or

secret ballot voting in the plenary session of the Parliament and, with the endorsement of the majority of votes chairmen are appointed for their field committees.

Public participation at the committee's open deliberations is not very encouraged, while art.23 says that the minutes made on the debates can be made public only with overt consent of the Committee's chairman. The same is true concerning the hand righting of the debates in committees, which is specifically decided only by the chairman of the committee. In spite of the provision that committee's sessions 'are usually public', most of the decisions to allow, other than deputies, people is made on an ad-hoc basis, on a sole discretionary power of the deputies in charge with such powers, leaving no space to dispute any possibility of limiting people to access information or report on the hearings made by the committees on certain issues of public interest. Only the press service of the Parliament may be commanded to prepare press communiqués about the works done by the committee in this regard.

Although, the Regulation stipulates a mechanism of balancing the political diversity of the chamber (art.15, p.5 - 'if parliamentary fractions do not reach an agreement over the list of members for a committee, Permanent Office will propose, and in the plenary session deputies will decide with the simple majority of votes the committee membership, considering the proportional representation and personal option of the deputies'. Hence, deputies cannot be members of more than one committee, while the Speaker of the House and its two Vice Speakers are not allowed to be members of the committees, which thus, creates a kind of logical framework for not allowing that top-level legislative officials influence the debates on the bills debated by committees. Usually Permanent Committees of Parliaments in Moldova have competencies in such areas like agriculture and rural social development, crime prevention, culture and religion, ecology, the economy and the budget, foreign affairs, health and social assistance, human rights and relations among nationalities, law, local administration and the local economy, public relations and the mass media, science and education, state security and military affairs, women and family issues.

The Permanent Committees approve drafts of laws and legislative proposals, perform parliamentary investigations, debate and

take decisions upon other problems required by the chairman and vice-chairmen of the Parliament. Each Committee deals with preparation of drafts of laws in the related field, issues opinions on drafts submitted by various law-initiators to be passed by the Parliament. If necessary, the Parliament may launch special and Inquiry Committees in order to prepare complex legislative acts of exceptional importance or to investigate various important issues. The Permanent Bureau proposes to the Parliament the nominal composition of special or Inquiry Committee and conditions under which the Committee's report has to be submitted. Establishing an Inquiry Committee may be required by a parliamentary faction or by a group of at least 5 to 10 elected MPs. During its activity the current parliament of the 15th legislature set up the following special and Inquiry committees:

- Special Committee on election of the President of the Republic of Moldova;
- Inquiry committee for investigating the cases of electric power breaking in the northern regions of the Republic of Moldova;
- Special Committee for developing proposals of adjusting the provisions of the Moldovan Constitution to the provisions of the Law regarding the special status of the autonomous territorial unity Gagauz-Yeri;
- Special Parliamentary committee for issues regarding Transnistria;
- Special committee for the examination of the law-draft for Constitution amendment;
- Special Committee for elaboration of amendments to laws on local public administration and administrative-territorial organisation of the Republic of Moldova;
- Special committee for formulating measures for reimbursement of credits and payments to individuals and juridical persons from commercial banks and other financial institutions which are in the process of liquidation³⁰.

Usually, the duration for a draft law to be discussed in the Committee is no longer than 15 days, although there are significant exceptions related to the draft's complexity or urgency. If the authors of the drafts emphasize the urgency of its adoption, the Com-

mittee may proceed to extraordinary work preparing it for plenary debates, and this is usually decided by the expert of the Committee. The average technical endowment of the Committee is quite low. Some of the deputies may have their own computers, while others have only limited access to electronic facilities, having two deputies one desk computer, or even having a joint phone line.

Following the provisions set in art.17 of the Regulation, each of the committees elects a Chairman, vice chairmen and secretaries, establishing a micro-bureau in the very first session after the nomination of the members. It is the full responsibility of the Chairman to prepare the agenda for the next sessions of the committees, to set up specific tasks of the members and take decisions in all issues that pertain to the field of committee specialization. For instance, the Committee are in charge to set up (if there is a need defined by the members of the Committee) specific subcommittees and advising groups, to maintain order during the sessions of the committee, to carry out any other tasks as stipulated by the Regulation. Assisting the Chairman, vice-chairmen may carry out the chairman's competencies, while a Secretary has to edit all the documents drafted and prepared by the committee (reports, legal notifications, minutes, etc), having also the attribution to count the votes cast on various issues debated.

Of course, the internal structure and organizational differentiation of the parliamentary parties affect the way how party deputies in committees can interact with fellow party members and leaders. In the Western democracies, most of the parties have set working groups that duplicate in fact the number of parliamentary committees, and their members of the party working groups are the party's delegated experts on the parliamentary committees, under their jurisdiction. Some of the parties in Moldova followed this example, although, there is still a considerable gap between the agenda of these committees and the way of communicating with party representatives in shaping the party position.

The more responsible their procedural functioning is, the more effective their supplementary scrutiny of government activities will be. A list of preconditions of parliamentary effectiveness is not confined to the situation of the state, but is relevant to the general situation of parliamentary forms of government widely known in the world. Our evidence will test those intertwined assumptions by providing subsequent analysis on the practices and experiences notified. In Moldova we do face a particular situation related to the fact that since July 2000, the Constitution has been amended and a parliamentary rule was entrenched without revising the main constitutional prerogatives allocated to the President, who thus became elected by the Parliament, but retained much of the powers it had over the executive framework of agencies and ministries. What resulted from the constitutional amendments and the vote for a super-large political majority fomented a lot of political developments and implications.

The Parliament Staff ensures the organizational assistance, information and technical support to the legislative related activities, to the Permanent Office, Standing Committees, parliamentary fractions and deputies. The Structure and scheme staff of the Parliament's personnel is subject for approval by the Parliament. Today, there are a number of 194 of hired staff of the Parliament. A General Director is responsible for the functioning of the staff. The functional structure of the Parliament consists of the following units: Press Service, Parliamentary documentation Direction, Administrative Direction, Legal Direction, Foreign Relations Direction, Center for parliamentary studies and public relations, Consultants. Quickly after the change in power, the new leadership of the legislature stated the need to reform the internal structure of the Parliament. A new position of the General Director of the Parliamentary staff has been introduced in 2001, making him responsible for the management of the whole staff and assistance provided to each of the MPs. This technical-administrative position is similar in many ways with that of the Secretary-general of the parliaments, which, in Moldova, are subject to a competitive examination, and whose appointment rests within the Permanent

Office (a collegiate body) and Chairman of the Parliament.

At the same time, some subdivisions were reformed or totally changed. For instance, a Center for parliamentary research and public relations has been established. More staff was added to the Direction of Secretariat and Petitions and consultants serving the standing committees of the Parliament³¹. Many of the aspects that were considered to be at the core of the democratic accountability of the Parliament were however less visible and, perhaps, less important to our counterparts. The absence of clear criteria or yardsticks to evaluate the effective organization of the Parliament, scarce representation and an almost exclusion of the parliamentary opposition from the law-making process is all issues which raise the following questions: How should we assess the democratic legitimacy of the "inter-party" legislative procedure? How accessible to citizens are the procedures through which the legislature bodies (standing committees, executives of the Parliament) prioritize the relevant list of issues for the legislature? Just from the very beginning of our institutional analysis, the Project faced a staunch and rigid opposition from the highest echelons of the legislative body, which quickly penetrated into the willingness of the administrative staff. Although the clerks of the Parliament accepted our arguments that transparency and openness of the legislative process is somehow inscribed by the definition of the Parliament's role and mission, they could not but decline any support that they could provide in institutional framework.

A deep functional analysis using internal information was not possible therefore since the personnel of the political leadership of the Parliament is highly vulnerable, having no stability of their statute and being easily submissive to administrative/political penalties should the top-officials be interested in doing that. But, who controls today the legislative agenda of the Parliament? Theoretically, the parliament has the leading role to set up priorities on law making considering the existing political distinctions and relationships among the main political forces. In practice, governments control the agenda (regardless whether they are minimum winning coalitions, minority governments or oversized majorities) are either positional (governments in multiparty systems either have a majority supporting them or they are located in the center

of the policy space), or institutional (a series of devices by which governments control the agenda which was presented in the previous section and summarized by the indicator “agenda control”).

Following constitutional provisions, the Parliament is confirming the Prime-Minister and his Cabinet, which is entitled to implement the governing program of the majority-party or coalition-parties. Usually, the governing program is elaborated on the basis of the largest legislative parties, as a triangular of their economic and political views. Thus, 80-90% of the drafts of the law elaborated and presented for consideration in the Parliament originate from the Government, 10 to 20% of drafts are elaborated by the MPs, including those representing the political opposition³².

PARLIAMENT'S INTERACTIONS WITH OTHER PUBLIC ACTORS

According to article 6 of the Constitution the executive, the legislative and the judicial authorities in Moldova are separated. Nevertheless they are supposed to interact in order to implement their functions effectively. However, the normal principle of “checking and balancing” with other branches of power has been replaced by an almost hegemonic submission of the Parliament, Government and the judiciary to the Presidency. During the last 3 years, the staff of the Presidency increased by 150%, and so did the budgetary means appropriated by the Presidential Administration, which is by all aspects, the most important in fact instrument of power of the country. One could say that the Parliament was in fact expropriated by quite a bit of its competencies and leverages, and among the most sensible tools that were lost in fact in the process of ‘power agglomeration’ to the President, was the so called ‘control and supervision over the executive power’. A list of relevant “interactions” of the current Parliament with the opposition, Government and President of the country is analyzed below.

Interactions with the opposition

Ratings continued however to remain favorable for CPM leaders and the inertia of voter's confidence was re-confirmed in No-

vember 2003, with CPM being the most favored. Polls reveal that almost 50 per cent of the general public thinks actually that the country is better governed. The rating is clearly decreasing as compared with the last poll in April 2003, causing some unease within CPM. The CPM is making the utmost to preserve their link with the nostalgic segment of voters while trying to convince the West that they are going to continue with the reforms and privatization of plants, that previously were blamed to be a ‘robbed’, while previous governments were harshly criticized because of their ‘reforms’. Besides, the CPM has really managed to please a large share of its traditional electorate by freezing the growth of the retirement age and by increasing the pension's amount. The risk of losing financial sustainability, generated for the retirement system as a result of the mentioned populist policies, is beyond understanding or the concern of ordinary voters.

At the same time, the ruling party is trying to exclude political dialogue as it may certainly loose the competition with more articulated centrist and right-wing parties. Thus, CPM has rejected at the end of 2002 two referendums initiated by the main opposition parties, and both of them were downplayed by the CEC on various formal reasons, simply because the CPM was unwilling to accept opposition's gaining leverage on public eyes. By mid 2002, the BA fraction has collected over 200.000 of signatures to initiate a referendum on changing the election system: from proportional party-lists vote to majoritarian election system combined with one-past the post, although the CEC, after repeated checking of the lists with signatures, suddenly decided to invalidated the initiative. The same happened in December 2002 - January 2003 with the initiative of CDPP aiming to hold a national referendum on joining EU and NATO.

The 2002 ‘social pact’ initiative launched by President Voronin revealed that very few NGOs are supportive towards the CPM policies, therefore, an infusion of some ‘loyal NGOs’ followed. In order to balance the impact of the real civil groups of the Moldovan civil society CPM have highly encouraged the creation of alternative organizations and associations, which were receiving significant funds from the state in return for their loyalty.

As the CPM is traditionally gaining benefits out of the polar-

ized society, the interventions of the state in the third sector activities in 2003 were traditionally aimed to increase the distances between its various member groups. No consistent dialogue with civil society occurred in 2003, and the legislative activities went even more difficult than in 2002, with opposition boycotting the sessions, and with the ruling party doing the same when opposition MPs were asking to take the floor in the Parliament. The mutual antagonism erupted in September, when opposition parties decided to boycott the legislative work of the Parliament, by commencing to protest in the streets of the downtown.

Interactions with the government

According to Moldovan legislation, National Parliament is entitled to undertake a wide range of control activities over the governmental bodies. Moreover, a thorough analysis shows that theoretically constitutional prescriptions leave the Parliament with more political influence than the President over the Government. Indeed the Government may implement his program of activity only after the program and the nominal composition of the Government are accepted by the majority of MPs. The President designates the candidate for the post of Prime Minister only after consulting the political factions of the Parliament. However, it is fairly obvious that there is no use of these formal consultations when one party obedient to the President of the country heavily dominates the Parliament.

The Government exists until the validation of results of the new parliamentary elections. The Parliament holds the Government responsible and may require any relevant information and documents to be presented. Members of the Government have access to Parliamentary sessions and are supposed to attend the Governmental hearing, which is specifically demanded by the Parliament's Regulation. Government as a whole and members of the Government are legally obliged to answer any question and interpellation of any MP. The Parliament may pass a motion to express its attitude towards the inquired issue. With a simple majority of MPs the Parliament may express its distrust in government plans, proposals or law-drafts. Therefore, the Parliament

may delegate the government the competence of issuing "ordinances of urgency" that have a legal power similar to Parliamentary laws until abrogated by the Parliament. The law that delegates the Government such competencies should dispense clearly the areas and the timeframe under which the ordinances can be issued. Ordinances of urgency may not be enacted in areas regulated by organic law. However, the mechanism of enacting ordinances of urgency may be biased against corrupted interests since no promulgation of ordinances by the President is necessary.

However, in Moldova the problems of corruption associated with this kind of governmental legislative creation are by far less important than in such EU-candidate country as Romania. Up to now Moldovan government has issued very few ordinances. Interestingly, the Government tried to regulate the pre-shipment inspection procedure with an urgency ordinance but it was afterwards abrogated by the Parliament. One should say that pre-shipment inspections are one of most disputed issue in Moldovan economic policy rising debates between members of the Government and members of the Parliament. Despite all these formal disputes, for the time being, the interactions between the Moldovan Government and Parliament may be characterized as lacking any mutual antagonism or other serious confrontations, at least, expressed openly, as registered in the previous Parliaments. Only when being forced by the IMF or by the World Bank have the members of the Government tried to contest political positions dominating the Parliament. Even though hidden clashes of corporative interests may well poison the relations of the government with the parliament usually they never become public. However, lack of open conflicts does not mean that the current political power feels comfortable with the government. Only once the former minister of finances (currently Moldovan ambassador in the USA) expressed his negative attitude about the high costs involved by the local public administration reform of 2002-2003. But, this was paid with his extradition, in fact, from the top of the Ministry of Finance to a top-ranked diplomatic position abroad.

The reform was enacted by the Parliament despite the protests of the Ministry of Finances and personally by the minister but he resigned a short time after his public statement. Another recent

case is: the government having proposed radical fiscal measures (like eradication of VAT exemptions) in the 2004 state budget but the Parliament rejected the proposals after being “persuaded” by the President of Moldova. Since February 2001 the President has removed as many as 12 ministers but these episodes went by quietly and no questions have been put either by the Parliament as well as by the relevant minister. It would be desirable that the perfect relationship between the ruling party and its Cabinet might be compensated/balanced by the opposition voice, which is unfortunately not listened to at all³³. On the other hand, Prime Ministers have their own leverages of influencing the Parliament by ‘supplying in fact’ the legislative chamber with drafts of laws, while relaying on a vote of confidence of the simple majority of deputies. The Political scientists say that the strength of Parliaments as compared to the Prime Minister can be stated when a prime minister has no special competencies compared to ministers, being defined as weak. In all other cases he is defined as being strong. Strong prime ministers are relatively often found in cases of weak presidents, and similarly strong prime ministers are uncommon in consociational countries and relatively more common in majoritarian democracies (Commonwealth).

Interactions with the presidency

The Constitution of the Republic of Moldova states that the President of Moldova is the head of the state. He represents the state and is acting as a guarantor of the sovereignty of the state, national independence, state unity and territorial integrity (art.77/2). This major responsibility and mandate remained unchanged in spite of the changes brought to the Constitution in August 2000. The President is elected by the Parliament for a four-year term through secret vote by three fifths of the elected MPs. This is the highest qualified majority required by the Constitution for the Moldovan Parliament to adopt a decision. A second round may be organized if the first failed. If no President is elected during the first elections, repeated elections are held. If no President is elected during repeated elections, the incumbent President dissolves the Parliament and calls anticipatory general elections. This is what

actually happened in December 2000, when the parliament elected in March 1998 was not able to elect a new president according to the Constitution.

Parliament can be dissolved if no government is elected or if the procedure of law adoption is blocked for more than 3 months. In the latter case, President may dissolve the Parliament after consulting the political factions in the legislature. Since this provision is not unequivocal the Constitutional Court interpreted in 1998 the expression of “blocking procedure of law adoption” as the situation ‘when MPs or groups of MPs, by their actions, do tergiversate or hamper the procedure of passing important laws’. Lack of clarity remained however with the term - “important laws” – which is still a subject to disputes. Besides, it is not yet entirely clear what role do Parliamentary factions have to play being consulted by the President in view of dissolution of the Parliament. It should be said that there are some limitations put by the Constitution on the presidential prerogative of dissolving the Parliament. To tell the truth, for the time being, the Constitutional Court is the only institution able to impede (on the basis of its plenipotentiary decisions) the enactment of any decision or law that would infringe on the principles and provisions set forth by the Constitution, and even the President of Moldova can be certainly refrained from setting a monopoly on the decision-making process.

On its own side, the President has preserved also a role of quasi-veto on legislation due to the fact that he is entitled to promulgate all legislative acts adopted by the Parliament. This specific competence is enshrined to him by the Constitution, which makes it be an institutionalized form of veto player, as opposed to the partisan-veto players (political parties represented in the Parliament). From another part, with the votes of two thirds of elected MPs the Parliament may put the President under charge for legal offences. The Highest Court of Justice is the only judicial body legally competent for conducting the trials related to President. There are no other ways of President dismissal and once elected there are no chances to overthrow the President for political reasons even though, surprisingly, fewer votes are required for President dismissal than for his election. One third of MPs can submit the bid for the President to be dismissed. This

situation is opposite to the way the Chairman of the parliament is elected by simple majority of elected MPs but is dismissed by two thirds of elected MPs. In other words it seems that the Chairman of the Parliament is potentially more stable in his function than the President of the country.

Despite this fact, the present Moldovan Parliament dominated by one political faction is entirely submissive to the political orders given by the President of the Country. This obedience might be explained by several factors. First of all, the incumbent President of Moldova is also the President of the PCRM; secondly, this party is acting as a monolithic structure based on 'democratic centralism' principles and strict discipline, while strong leadership makes its members to be rather reluctant to whatever "heretic thinking", which is usually the way of life in other 'democratic parties'. The strategy of PCRM faction in the Parliament is determined by political decisions of the Central Committee of the PCRM and party general congresses.

Finally, the communist MPs understand well that a heterodox approach to the interactions of the communist faction with the presidency may result in dismantlement of the PCRM in two or more separate political blocs and, potentially, would put at risk the while hierarchy the acting MPs. With the President and his entourage having a grip on political events and economic life and financial circuits in Moldova, there is no real purpose for the communist parliamentary faction to show up more activity than the minimally needed and to lose its comfortable positions. The President has very important attributions in foreign policy, in defense and home security, as well as in controlling the government legislative acts. There is a clear consent on the fact that the Government is in fact controlled by President, and it is believed to be only formally responsive to the legislature. MPs answers to the Questionnaire employed by IDIS show that the largest influence over legislative agenda is exercised by Presidential staff, over scoring big business and Ministries. From the survey one can see a rather negligible role played in influencing legislative agenda by 'independent mass media, NGOs, unions or church'.

TABLE No.1. TO WHAT EXTENT DO YOU AGREE WITH THE AFFIRMATION THAT THE LEGISLATIVE PROCESS IN THE REPUBLIC OF MOLDOVA IS MOSTLY INFLUENCED BY:

	COMPLETELY DISAGREE/DON'T AGREE	DIFFICULT TO ANSWER	AGREE/ COMPLETELY AGREE
State interests as a whole	25,7	27,5	46,8
Public opinion tendencies	32,3	40,7	26,9
Interests of presidency	13,1	26,3	60,6
Interests of the ruling party	11,9	26,1	62
Interests of financial oligarchy	13,5	39,2	47,4
Interests of government	11,5	27,8	60,7
Interests of mafia groups	19,5	39,5	41
Interests of rival foreign states	29,3	45,9	24,9
Interests of opposition	37,6	42,3	20,2
Interests of national security forces	36,6	42,8	20,6

President promulgates the laws passed by the parliament and may send a law-project or a legislative proposal back to the parliament to be reviewed. Only if the Parliament insists in the second vote, the President must promulgate the law. However, never since February 2001 the Parliament insisted twice on his law projects. Hence, despite the "parliamentary republic" logo, actually the "strong man" runs Moldova. The situation probably will not change in foreseeable future, if no serious regrouping of political forces occurs on the center and on the right wing of political scene in Moldova. Generally, relationship of the parliament with the presidency is dominated by the president's agenda, primarily, because of the position of the President as the leader of CPRM, as well as by the fact that the President never considered seriously the primacy of the Parliament within the acting constitutional format. Thus, people think that 'the relation with the President is pretty harmonious, and this is the merit of the larger political party'³⁴.

Relations with judiciary

Since February 2001, the Parliament has operated many amendments affecting not only the structure of judicial system but also its independent functioning. Independent lawyers affirm that as result of all legal modifications being passed by the current Parliament, the independence of judiciary is already a mere fiction in Moldova and there is a high risk of the current political power to turn into an authoritarian regime³⁵. To mention one of the most recent constitutional amendments affecting the independence of judiciary, in December 2002 one layer of judicial system was annihilated by the Parliament (the regional tribunals) without independent professionals in law being heard and without consultations with political opposition being held. While the declared purpose was to streamline the functioning of the judicial system, outspoken adversaries of reform, mainly politicians from the previous Parliament having enacted the former judicial system, said that the new regulations would corroborate with the already overwhelming influence exercised by the Presidency of Moldova over the judiciary and would make the judicial system even less independent than today³⁶.

One of the most obvious pressures on judiciary was the competence allocated by the Parliament to the President of state to suggest the dismissal or confirmation of Judges to the Council of Magistrates³⁷. Since 2001, President Voronin dismissed over 30% of the judges, claiming that 'judiciary is corrupt', but failing to initiate ANY legal action against the non-endorsed judges. Most of them were not confirmed at the expiration of the 5-years mandate and, in the total, their number reached in 2003, over 50% out of 350 of judges in Moldova that perceive their resignation as a 'political vendetta'³⁸. Because of the strong link between the President and the Legislature that allowed him to operate freely the judiciary independence, a lot of unease and protests in the society were caused.

It is worthwhile mentioning that up to now no public reports reflecting an increased efficiency and simplicity of the judicial system since the reform was put in place have been presented. The Parliament and Government use regularly specific tools of influence the judiciary. Even before the liquidation of tribunals, the

Parliament changed the way the judges are nominated in common courts, in the Court of Appeal and in the High Court of Justice. Magistrates, presidents and vice-presidents of common courts and of the Court of Appeal are proposed by the High Magistrate Council and are nominated by the President of the country. Four candidates have to be proposed to the President who selects only one. Also, the incumbent judges and presidents of the courts are to be reconfirmed in their functions by the President. According to the experts community opinion in Moldova the mechanism of nominating judges offers the President an inadmissible leverage over the judiciary system. Judicial corpus in Moldova blames the President for political interference in the justice, for dismissing inconvenient judges and replacing them with politically affiliated persons³⁹.

While in a normal democracy the Parliament would be legally, politically and morally obliged to intervene in order to stop political interference in judicial procedures, in Moldova not a single time the Parliament questioned the legality and transparency of the judges nominating procedure in common courts. Instead, this is the Parliament itself that has voted amendments to the law changing the procedure of nominating judges and allowing the President to set the judicial system under his control. As result, more than 50 judges in Moldova have been removed from their offices or have not been reconfirmed in their functions⁴⁰. The Parliament is having a number of direct leverages of influencing the justice at its highest levels since the Parliament nominates the president, the vice-presidents and magistrates of the High Court of Justice. The parliament also approves the financial resources of the courts and these resources are included in the state budget. Besides, the parliament nominates the candidature of the general public prosecutor who is proposed by the President of Moldova. Lack of public control in this realm leaves the Parliament too much room for politically inspired nominations and dismissals of the general prosecutors. It is not therefore surprising that the judiciary budget for 2003, despite the inflation growth and decline of the national currency, dropped as compared to 2001 by 10%, while all the other executive branches increased their expenditure by 20% at least.

The example of the former general prosecutor, Victor Rusu, dismissed on December 4, 2003 by the Parliament for 'not having

stopped illegal street protests of the opposition” is a telling example of how the ruling party is increasing its pressures on Judiciary. A new General Prosecutor coming from the position of the Security Services (former KGB) was confirmed on the same date without serious debates on the spot. With several professionals being ignored or repressed by the power, one may see that any confirmation leaves enough room to suspect that political conditioning and strong dependence on a series of pay-offs are clearly the price to be paid by those who are employed today by the state authorities, most of them being among the most intensively politicized. Opposition and independent press report many MPs in Moldova to abuse their positions and obstruct the process of justice and prosecuting criminals⁴¹. To quote only the most scandalous example of influence, Press Secretary of the General Prosecutor Office has been dismissed, in March 2003, by the general prosecutor for having disclosed a letter addressed by the vice-chairman of the Parliament, in which, the MP “suggested” Prosecutor to stop the inquiry against a policeman. The press secretary’s duty of providing information to the public was vociferously qualified as “position abusing” and fire, while no single action against the top-legislative official was initiated.

Parties in Parliament: the ruling party and the opposition

Parliaments are mirrors of the society and party systems that give rise to their role in the governance debate. Winston Churchill once called parliament the “workshop of democracy” and it is widely acknowledged, that legislatures play a crucial role in building up the format of representative democracies, especially in the emerging democracies. Legislatures express the will and preferences of the people and transform those in to policy, building up transparent channels of communication with the public, through which conventional voters may have a voice in influencing the politics of their representatives. Among the most debated issues of the Parliament after 2002 was the European integration. For years, this issue was considered to be the natural fief of the ‘pro-European’ democratic parties, and suddenly, when the Commu-

nist ruling party announced it as a ‘strategic and the most fundamental choice it made for the country’, it made a great deal of confusion amongst traditional electorate of the CPM⁴². But, Parliaments are not as homogenous as they are sometimes portrayed, having their own cycles, complexities, and critical stages⁴³. The political reality in most countries, however, is different and unique, making the legislatures to be highly fragmented in political terms. Parliamentarians frequently vote dividedly on most issues, as they are driven by party interest and regional or issue-related interests. In addition, the parliamentary political parties who are represented in government are not so keen to oversee too critically their counterparts in the government.

Small as it is, Moldova boasts a high number of political parties. Fifty parties and political movements were officially registered at the time of 1998 parliamentary elections, but with only 4 parties penetrating into the Parliament. Two years later on the eve of the anticipated general elections, in February 2001, only 3 parties out of 33 officially registered succeeded to overcome the election threshold, thus, suggesting that the political spectrum is evolving by rationalizing political actors. Exploring the changing role of the parliaments, one shall regard therefore the political parties from a 3-sided perspective: historical, conjuncture with party systems and the current role of parliaments in the governance debate. A general analysis of political events being carried out in Moldova in the last three years lead us to the conclusion that from the point of view of institutional and democratic performances registered by its Parliament, nowadays Moldova is even much more distinguishable in a negative way from other European countries than how it was till 2001. What is most surprising is the fact that while the underlying legal conditions of parliamentary democracy are not largely dissimilar from those of other transitional countries, the observance of legal provisions as real practices in Moldova is significantly worse than in countries of Central Europe. From another part, Moldova is narrowing the gap with countries like Ukraine, Belarus and Russia; after an optimistic and assuring start in late 1990s when the central authorities of nominated countries were criticized for ‘degeneration of their democratic performances’.

The party systems analysis focuses on parliaments because they are the source from where governments originate, in technical terms the “principals” who select their “agents”. According to the traditional literature two party systems generate single party governments where the parliament is reduced into a rubberstamp of government’s activities, while multiparty systems generate more influential parliaments. In comparative politics, the party system of a country plays a crucial role in understanding the politics of the country. Beginning with Duverger (1951), the party system has traditionally been connected with other significant features of the country, either as a cause or an effect. With respect to the effects of the party system on coalition formation, Duverger’s argument was straightforward: two-party systems give the majority to a single party, and consequently produce stable governments that dominate parliament; multi-party systems generate coalition governments that can lose votes in parliament (including confidence votes), and are consequently weak and unstable.

Studies assessing the transitional governance show that typically there is a natural temptation of the executive power to control the agenda of the legislative house. This is happening frequently even in the most traditional parliamentary political systems. For instance, in more than 50% of all countries, governments introduce more than 90% of the bills. Moreover, the probability of success of these bills is very high: over 60 percent of bills pass with a probability greater than 90%. The situation in Moldova is very much similar. Only 10-15% of the drafts that are included on parliamentary agenda belong in fact to the political fractions or individual deputies, including those of the opposition, while the lion’s share of the laws originate from the Government or President. It is to be mentioned that this situation is not totally due to the fact that there is a deficit of legislative initiatives; in fact, there are plenty of ideas and drafts of the laws submitted or promoted by the law-makers in the Moldovan Parliament. However, rarely the drafts that are submitted by the opposition are accepted by the Permanent Office to be considered as legislative initiatives.

Ostrow’s comparative institutional design confirms the presumption of many political scientists that parties are essential for legislative consensus building. However, it also reveals that

parties may have paradoxical effects on a legislature’s performance. The Moldovan Parliament has 101 members elected by universal suffrage for a four-year term. The term can be extended in case of such exceptional events as war or natural disasters. Parliament is legally constituted only after the Constitutional Court validates two thirds of elected MP mandates. In case of an alleged violation of electoral legislation, the Constitutional Court, on proposal of the Central Electoral Commission, decides on validation of the MP mandates.

Parliament meets in two ordinary sessions per year. The first session starts in February and May not extend beyond the end of July. The second session starts in September and lasts until the end of December. The chairman of the Parliament, the President of Moldova or at least one third of elected MPs may require exceptional or special sessions to be called. Parliamentary leadership in Moldova is composed of the chairman of the Parliament and two vice-chairmen. The chairman is elected by the majority of elected MPs but, interestingly, is dismissed by two thirds of elected MPs. Vice-chairmen are proposed to the Parliament by the chairman after consultations with political factions and they are elected by simple majority. In order to create working bodies, to keep the political activity of the legislative and to carry out the electoral programs of political formations represented in the Parliament, the MPs may constitute themselves in parliamentary factions. In accordance with the provisions of the Law on Parliament Internal Regulations, parliamentary factions can be constituted by at least 5 MPs. Since the criteria of establishing this minimal threshold are not obvious, the latter constraint may be judged as being purely subjective and limiting democratic rights of elected MPs. Currently there are 3 political factions in the parliament and a group of 8 independent MPs. The three political factions as of December 2003 were:

Party of Communists (PCRM)

PCRM has acquired 71 mandates, out of which 3 were vacant after some of the PCRM deputies were appointed in a number of key-executive positions of the Tarlev Cabinet, Auditing Chamber.

Curiously those 9 representatives of the PCRM are officially listed by the communist faction as being “with no membership of the Communist party”. With so many representatives in the Parliament, the PCRM is indisputably the ‘owner’ of a strategic position in the legislative process, having enough resources to initiate and adopt any desirable by the party’s leadership political aim, and even, change the Constitutional format as they would please, easily bypassing any eventual attempt of the opposition to dispute the legislative amendments proposed by the PCRM. Because of the fact that most of the drafts of the law and amendments are usually produced outside the Parliament, being channeled from the Government or Presidency, and considering the exemplary party discipline of the Communist fraction, the PCRM is frequently complaining that the opposition is in fact ‘melting its games’. As a result, this sense of ‘legislative supremacy’ makes PCRM to oppose restlessly open debates, while making every effort to exploit fully its voting advantages. The average age of the PCRM is 54,7 years. Out of 71 deputies of the PCRM 8 are women (11,26%). Professional composition of the PCRM is the following: 9 deputies are lawyers, 9 economists, 13 are school teachers, 18 agronomist, 16 engineers and 6 - other professions.

Alliance “Moldova Noastra⁴⁴” (AMN)

Alliance Moldova Noastra is known also as the former Social-Democrat Alliance or former “Braghis Alliance”, being registered after the February 2001 Elections with 28 deputies from its part. Thanks to its second position (although at a very long distance from the 71-seats of the CPRM, they’ve got also a position of the Vice chairman of the Commission on Economy). In the last 3 years, however, an intense circulation of deputies occurred from the main 2 oppositional parties: the CDPP lost 1 deputy, while the Braghis Alliance lost 8, and therefore, the current AMN has only 11 mandates today, with the rest leaving the fraction and becoming independent candidates. In the fall of 2003, the Braghis Alliance renamed itself, as the party merged with other parties in creating, apparently, the largest oppositional centrist force in the Republic of Moldova. The actual leadership of the Parliament then contested

the decision to rename the fraction on the basis of the existing Regulation that does not allow fractions to be renamed, which provoked the Alliance to vehemently protest against ‘abuses’ and send complaints to the Council of Europe. The Alliance is represented by 12 deputies, including 1 woman. There are 6 economists, 3 engineers, 1 agronomist and 1 zootechnician. Among other 7 deputies that left their previous fractions is only 1 woman.

Christian Democrat Popular Party (CDPP)

It has 11 seats, out of which 1 is currently vacant. On its turn, the CDPP has only 1 woman out of 11 deputies. The party is perhaps the oldest party in the Republic of Moldova, being at the outset of the creation of the state. At the end of ‘90s, it emerged more as a coalition of ‘informal’ individuals and organizations that contested the Soviet regime, and gradually, acquired public resonance, new leaders, resources that assisted them to gain in the ‘89 a significant part of influence over the state institutions. With the recession of the Communist Party, being banned as result of the August 1991 ‘coup d’etat’ in Moscow, the Popular Front entered into the vertigo of setting up the first non-communist Government, but later on, its influence decreased as a result of the radicalization of its leadership, and the consolidation of the centrist-left Agrarian Party. The average age of the CDPP is 46 years. Professional background of the CDPP fraction is: 3 journalists, 2 economists, 2 schoolteachers, 2 university professors and 2 of other professions.

Parties play the dominant role in the political process in Moldova and this is explained often in the proportional election system and a high threshold for independent candidates that are clearly disadvantaged. It has been stated that the stability of the political regime depends on the framework of decision-making (unanimity, qualified or majority voting, number of seats, cohesion, ideological positions of parties), making the parties to translate their interests and behavior into a kind of player constellation, which is a vital condition for the political regime. According to the traditional literature 2-party systems usually generate single party governments, while multiparty systems generate more influential parliaments. There are three possible configurations

underlying the relationship between government and parliament, minimum winning coalitions (which are the textbook case), oversized governments (i.e., governments that include more parties than necessary to form a majority) and minority governments (i.e., governments not supported by a majority). These categories are mutually exclusive and collectively exhaustive forms of government in parliamentary systems. Of course, they still are mandated with a complex multiple function in policy formulation, interest representation and administrative oversight on the implementation of the national legislation. But in spite of the evidence, they have perhaps even a greater role in concealing or failing to reconcile the differences between the opposition and party in power, and when they cannot accomplish that, deep political crisis take place. The party systems analysis focuses on the legislative chambers / parliaments, mainly because they are the most legitimate source from where governments originate, in technical terms the “principals” who select their “agents”.

The Communist party's victory in 2001 had a tremendous impact on the political system. The factual evidence testimony that a supermajority rule changed the functioning of the multiparty system into a bi-party system, in which the parliamentary rule has been converted into a majoritarian rule, where the ‘alien’ parties or formations are almost excluded in fact from the decision-making process, while the genuine source of decisions reside strikingly outside the parliamentary system where the most important decisions of the super-dominant Party of Communists were taken. From the outset of the new legislature in 2001, it became clear that the super-dominant political majority of the CPRM will not be interested to compromise its position with the tiny minority of ‘nationalists’ (a nick-name which is frequently sentenced to the Christian-democrats), as well as with centrists (former ‘komsomol’ off-springs, as they are pejoratively labeled). The Parliament turned into a bi-party ‘win-all’ system that incorporated all the violence, hostility and disdain towards the values of participatory democracy, that apparently were suppressed for so long in some marginal elite. In March 2001, the CPRM leader, Vladimir Voronin, stated clearly and shortly:

‘no need for coalition-building; we do have 71 mandates, they have nothing. As a result of the elections there the center of the political system collapsed, it does not exist anymore! These small children from the komsomol, Braghis and Co. failed down, no need to pick them out’⁴⁵

Considering the fact that the acting President of the country is, at the same time, the First Secretary of the CPRM, one may conclude that the supremacy of power shifted to the Presidential office, which overrules any attempt to dispute his formal and informal powers. Although the Cabinet has been preserved till now, most of the Ministers have been sacked by the President, having this competence inherited from the previous semi-presidential system of authorities. Thus, the political system is functioning as a two-chamber Parliament (Chamber of Deputies and Chamber of Lords), with the exception that in Moldova, there is the Presidency completing the role of the Lord, having an overwhelming influence on the legislative and executive branches, intertwined with several deputies of the majoritarian fraction appointed to the top-leadership positions of the Government. When Duverger discusses the number of parties in the party system he is referring to the number of significant parties in a country's parliament. Classical theories are challenged however with facts that often expand beyond the conventional format, and this is the case of the sovereignty in Moldova. A country might have the most perfect democracy internally, but enjoy little real self-government if most of the decisions that matter for the life of its citizens are taken beyond its borders. Such a situation has been called the “hollowing out” of democracy.

A comfortable majority (71 out of 101-seats Parliament) allows Communists (CPM) to pursue a rather decisive implementation of their own objectives and ideological predilections, having almost excluded inter-party negotiations with the rest of the parties. In fact, decisive decisions are clearly taken outside of the Parliament, within the triumvirate of the Communist Central Committee which is led by the same President Voronin, and this has led to several political troubles and unease that culminated with a deep political crisis in 2002. The crisis started in January 2002 with some street rallies of the Christian Democrat Popular Party (CDPP) and ended

up only by the end of April. The political deadlock came to an end only as a result of the Parliamentary Assembly of the Council of Europe's The (PACE) intervention to secure a peaceful resolution of the conflict. The PACE has adopted on April 27, 2002 a Resolution on functioning of democratic institutions in Moldova', that brought both the ruling party and protesters at a Round-table where they were coached to settle their mutual antagonism.

The Moldovan opposition so far has no self-sufficient mechanisms of making the ruling party act in a democratic way. Therefore, its leaders voiced out their concerns in the PACE, and accused the CPM of violating political pluralism and human rights. They drew the Council of Europe (CoE) attention to the fact that previous Resolutions of PACE (adopted in April and September, 2002) were not fulfilled satisfactory by the Government and, there is a strong need to reform the existing frameworks for political dialogue. They also blamed the draft Law on political parties, as well as the ruling CPM for 'dictatorship', presenting evidence of steps aimed to ban the opposition, as well as its temptations to ignore earlier reached commitments with Parliamentary Assembly of the Council of Europe and other stakeholders.

To avoid the risk of plunging into a new wave of strikes, President Vladimir Voronin announced in February 2003 that the registration of political parties will be suspended till November 2003, and sacked one of his personal protégé (Minister of Justice, Ion Morei). However, in February 2003 the CPM tried to initiate a new series of amendments to the Electoral Code with the goal to prohibit the re-election of those who were elected 2 consecutive times. The amendments were obviously aiming to ban the electoral participation of Serafim Urecheanu, the main non-communist competitor for the position of the mayor of Chisinau, the capital of Moldova. The dynamics of party competition in a moderate pluralist political system is similar to the two-party system: 2 coalitions compete for office, one of them wins, and both coalitions are close to the ideological center. In contrast, polarized pluralism includes a party that occupies the center and is opposed by bilateral oppositions on its left and its right.

These oppositions are ideologically extreme and/or include anti-system parties. According to Sartori, the dividing line between

moderate and extreme pluralism is "around" five parties. From his discussion, it becomes clear that the cutoff point is an empirical regularity, not a theoretical argument. In Moldova, however, we do face a system that can be called 'suppressed pluralism by great majority party'. Some simple statistics suggests that a political continuum of parties, in which the leading/great party not only dominates and rules the game, but attempts to exclude the rest of the parties into the margins of the politics jeopardize the very foundations of the political system. The model of 'suppressed pluralism by a great majority party' is not unique, but it is equally not European.

MEASURING INSTITUTIONAL DIMENSIONS OF PARLIAMENTARIAN RULE

SELF-PERCEPTION AND OUTSIDE PERCEPTION

The task of measuring the 'parliamentarian rule' in Moldova is challenging us with several difficulties. First of all, it should evaluate the material/constitutional difference in which the Parliament has acquired (after 2000) a leading role within the format of the other powers of state, and its particular role in shaping up state policies on the sole responsibility of the mandate received from the electors. On the other hand, one shall agree upon the imminent difficulty in assessing the difference between the 'material' reality of the Parliament in a parliamentary regime with the 'subjective' value owing to the public perception, which is often penalizing public institutions for their own internal disputes, confusions or hesitations. But, in spite of its 'public visibility', the positive image of the Parliament is frequently challenged with a very low level of trust, undermining the role it should play for the country. Finally, a third perspective owns to the fact that constitutional changes did not alter the practices that allow executives to play even a greater role in the new institutional circumstances, and thus, an indirectly-elected President is propelled in the fore of controlling the Parlia-

mentary majority in spite of the constitutional amendments.

While assessing institutional performances, top-ranked officials abound in rhetoric emphasizing of their special 'abilities', 'role', and comparative prevalence over their political contenders. When top-officials comment on their institutional performances, they usually argue their relative numerical superiority of the laws adopted. Moreover, they are inclined to believe that performances of the Parliament can be measured by the increasing number of laws adopted and the number of meetings of the MPs with their electors'.

'Figures show that between 2001 and 2002, the Parliament adopted 1.597 legislative acts, including 607 laws. Our effectiveness is clearly much higher if one would compare them with the number of laws adopted by the previous Parliament, which adopted only 766 decisions and 230 laws'⁴⁶ (E.Ostapciuc).

'Parliament's activities are generally positive. Many problems were resolved, particularly; most of the election promises of the Communist Party have been accomplished. As such, the elimination of salary and pension arrears, returning to rayons were fully implemented, and now, every MP is responsible for a concrete rayon' (Valeriu Burca).

The opposition views on the legislature performances are strikingly different:

'The Parliament did not fulfilled its constitutional functions, but mainly accomplished the orders and tasks that the ruling party received from the President, and adopted some laws inter alia. For instance, every year the Government shall report its own activities before the Parliament, but this never happened since 2001. Governmental reshuffles are never discussed, and even the majority fraction hardly know anything about what may happen in the Cabinet of Ministers which is entirely at the President's disposal'⁴⁷ (I.Gutu)

'I think that this is the most ineffective Parliament since 1991. Quality of the legislative process is below any level of critics, and this situation grew several protests from the civil society, political parties, as well as of international organizations. The fact is that

the majority fraction has installed an atmosphere of secretomania coupled by lack of transparency. Funds are abusively managed, while the largest problems of society are neglected' (V.Cubreacov)⁴⁸.

Second after the number of laws adopted or prepared, MPs see their 'meetings with the voters' as the most important role of the Parliamentarians. Legislating means law-making and this is the primary task of a Parliament. In order to increase its effectiveness it would mean to increase the number of working sessions of the Parliament, this would be shown to the voters that parliamentarians dedicate more time and efforts than they do in the present. Another proposal would be to provide the right for legislative initiative to extra-parliamentary parties, thus, more ideas and alternative options would be brought to the legislature, coupled with public hearings on legislative acts., regularly held by the secretary of the staff. Standing committees and public hearings may represent a major incentive for the reformation of the legislative process. It is clear from several discussions that were held in the focus groups that the legislature is recognized as a hermetic, non-transparent and unpredictable body. Thus, NGO representatives stated that:

'Parliament's image has been elapsed because of the governance mistakes. Most of the decisions are taken in a Byzantine way; parliamentary hearings are more than rare, while independent experts are never consulted. It appears that MPs show rarely in public. There are no weekly press conferences that would shed light into the legislative process, which increases the split with the rest of the society' .. Thus, during the last 3 years of activity, out of 2,182 legislative acts (including 900 new laws and 1,282 decisions)were adopted, in comparison with the previous Parliament of XIV session that adopted in a similar period of time 1,440 legislative acts. Some of the MPs have never spoken in the house, hiding their incompetence behind the party discipline and group solidarity. The Bolshevik's thesis that every cook could become a state leader has become true through the example of the speaker'⁴⁹.

LACK OF ACCOUNTABILITY

Usually, the responsibility of deputies is limited by the party hierarchy. This makes the opposition to be neglected by the majoritarian rule, while the former proposals are usually ignored increasing the crisis between the opposition and power.

The democratic legitimacy of a system is generally evaluated through the parameters of accountability and representation. Low legitimacy in any lawmaking procedure is commonly traced back to a lack of participation by the citizens in the making of the laws they will abide by. According to classical theories on democracy, democratic legitimacy is the main feature of parliamentary systems, wherein public government is exercised by “the people” through elected representatives. It has been largely observed in recent times however that two other sources of legitimacy, beyond parliamentary representation, have increasingly become relevant in a democratic discourse: the functional articulation of interests of society into the political system and the ability to effectively deliver stability and welfare (“effectiveness”).

TABLE 2. TO WHAT EXTENT, DO YOU CONSIDER THAT OTHER OPINIONS ARE CONSULTED BY THE PARLIAMENT, (FOR INSTANCE, OF NGOs, INDEPENDENT EXPERTS) WHILE ADOPTING LEGISLATION:

	COMPLETELY DISAGREE /DON'T AGREE	DIFFICULT TO ANSWER	AGREE/ COMPLETELY AGREE
a. Civil society is actively consulted when a new bill is adopted and a decision is made	55,1	29,9	15,1
b. There are few cases of consulting other opinions than those on which the present power is leaning on	17,1	36,9	45,9
c. Only those NGOs which don't criticize the present power decisions are consulted	15,3	48,8	35,8
d. There are no well established procedures for civil society consulting in parliament	11,2	40,0	48,9
e. Consulting is necessary but in the present time is not used	7,5	23,4	69

Three such components (parliamentary representation of interests, functional representation and effectiveness) are usually combined and attributed different weights in the various political systems. This is confirmed by the poll in which respondents still place a higher level of trust in the President rather than in Parliament, which is over scored only by Church (81,2%) and local authorities (49,8%) in 2004, a rating which remains almost with no radical changes from 2000.

TABLE 3. LEVEL OF TRUST IN PUBLIC INSTITUTIONS⁵⁰

	2002	2003	2004
Church	77.9	78.3	81.2
State printed mass media		46,6	43.8
State electronic mass media		52.9	48.1
Private printed mass media (i.e.party-based, commercial)		32.2	29.1
Private mass media		40.7	32.4
NGOs		32.9	27.3
Police	29.7	41.1	31.1
Government of Moldova	37.4	49.3	39.8
Political parties	26.8	31.4	25.4
Parliament	34.5	44.0	34.0
Presidency	41.1	53.9	42.1
Justice	31.1	43.7	35.4
Local authorities	41.1	50.9	49.8

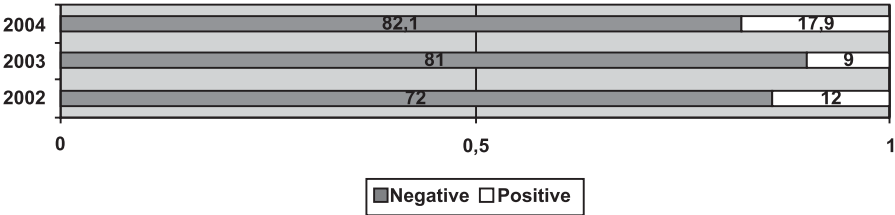
Most of the analysts of human rights, development and statistical backgrounds use the definitions and theoretical approaches on good governance and democratization that have been developed within their fields. This can result in incompatible approaches. The motivation and mandates of the stakeholders tend to differ. Representatives of donor organizations may highlight concerns different from those of the participants from developing countries who emphasize the need in increased ownership.

The design of indicators depends on whether the data should assist in implementing national strategies or whether cross-country comparability is desired. Respondents blame the fact that legislation is not implemented: 55,5%, while those that refute this state-

ment - 22,4% are somehow balanced by those who 'don't know'. Even larger is the number of those respondents who do not believe it is possible that citizens may participate in the preparation of the drafts of the law - 59.4%, with 12,9% admitting it. Still, respondents believe that it plays a huge role in ensuring constitutional rights and liberties - 33,5%, but with 33,8% that negatively assess this responsibility, and 32,7% who don't know. Yet, one could easily notice that the number of people thinking that they can not influence the important decisions in public life has decreased by almost 10% as compared to the year 2002, as shown in chart 5.1.

While assessing the factor that mostly influences the legislative process, 46,8% of the respondents say that the 'general state interests' dominates it, while the opposite is true for 25,7%. People say however that the Presidential influence is the largest factor – with 60,6%, as against 16,1% disagreeing with that. 62% of the respondents say however that the Parliament 'owes' its situation to the 'majority party ruling', which is only slightly exceeding the rating provided to the Governmental influence, and this is even less disputed as an argument.

CHART 1. PUBLIC PERCEPTION ON POSSIBILITIES TO INFLUENCE DECISION MAKING



Respondents do not believe that the politicians have sufficient qualification to conduct an effective legislative work. Thus, 53,5% of the polled respondents do not share the opinion that the acting MPs have enough experience and knowledge to adopt adequate laws, while the opposite is supported by 19%, while 27,6% don't know. Similarly, they do not trust that civic society is consulted

by the parliament in the law-making process (55,1%). Only 15,1% of the respondents believe that there is some sort of consultation. 69% of the respondents believe that a key-condition for the effective law-making is the capacity to involve more consultation, which is not a practice today - 69%, against 7,5% who disputed it. Speaking about the professional statute of the MPs, respondents do not trust they are qualified enough – 64,6%.

THE INSTITUTIONAL ASPECTS

A procedural definition of democracy, made most notably by Robert Dahl (1971) in *Polyarchy*, includes two dimensions that are inter-linked with the social demands for *contestation* and *participation* in the public sphere. Contestation captures the uncertain peaceful competition necessary for democratic rule, a principle presumed as sine-qua-non elements of the regime: legitimacy of the opposition, right to challenge incumbents, protection of the twin freedoms of expression and association, free and fair elections, and a dynamic political party system.

Participation captures the idea of popular sovereignty, which presumes the protection of the right to vote as well as the existence of universal suffrage. But, in addition to the above mentioned aspects of procedural democracy, it incorporates also a number of aspects that institutionalizes it. Like the procedural definition, the institutional dimension of democracy evolves on the idea of popular sovereignty, and includes notions of accountability, constraint of leaders, representation of citizens, and universal participation. The rights dimension is upheld by the rule of law, and includes civil, political, property, and minority rights.

INSTITUTIONAL	STABILITY	TRADITIONS
	Overall stability of the gov.bodies	Trust/confidence
Accountability/ Effectiveness	Absence/ or abundance of conflicts	Enlightened understanding of democratic norms
Representativeness	Political violence	Use or abuse of power/traditions of authoritarian rule
Responsiveness/ Transparency	Social, linguistic, ideological, confessional or inter-ethnic strife	Inclusiveness of the political system
Checks and balances	Minority rights and representation	
Integrity and supervision	Lack of vested interests	

Accountability

The accountability of rulers is described as being a crucial feature of any democratic system. According to Schmitter and Karl, the term “democracy” can be referred to a “regime or system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their representatives”. The need for ‘accountability’, in general, is more often presented as a capability of subjects exercising public functions to be held responsible for their actions; therefore it implies, in political terms, the problem of ‘citizen’s control’ over the actors deliberating on public issues. The Constitution (art.65 part 1) stipulates that ‘sessions of the Parliament are public’. But, in reality, every session may be declared closed to the public if the political majority of the Parliament will decide that the subject discussed may be unwise to reach mass media, and therefore, create additional public pressure. To declare a session ‘closed’ for the public can be done if a specific decision will be taken by the legislature, and this decision has to be motivated. In fact, the decisions are usually fully conflicting with the Law on access to public information, and Law on state secret, leaving a broad space for the politicians to restrict non-parliamentarian actors to get necessary information on the debated topics. As a rule, constitutional provisions are blatantly ig-

nored while attitudes of the officials in charge with the access of visitors to the plenary or extraordinary sessions of the Parliament are hindering. Applications to receive credentials to attend any session of the Parliament are issued only to a specific set of outlets, or TV channels, while applications to get access to the legislative sessions are permitted only through a standard procedure which begins with at least 20 days ahead of the specific session. No facilities are provided to NGOs, Church representatives, trade unions, or conventional citizens who are, most probably, ‘better preferred at their working places’, where MPs are showing their ‘achievements’.

Generally, the attitudes are negative if not visibly hostile to the public attendance. All visitors shall apply for credentials ‘at least one month before the public event is scheduled’, and even in case of conformity with this procedures (that are not publicly advertised, but only explained at the request by the officials), one cannot be sure that he will get right in time to the session as there are security regimes that are posted at the reception that will not allow visitors to go to their places. Equally, visitors invited by individual MPs cannot attend the sessions of the Parliament, and special interdictions are enforced by military personnel in front of the session’s hall. The official explanation for the shortage of permits, as well as for the ‘militarization’ and obscurity of the whole process of attending the sessions is often explained by the limited capacity of the available places. This is however untrue. Usually, most of the seats for visitors are empty, and therefore, people get frustrated because of the ‘double-standard language’ replicating in fact specific instructions received by staff from the political leadership. Often, this is an effective tool to reject requests from the mass media and NGOs on the basis that they are not specified on the parliamentary agenda.

MPs cannot invite their staff or invitees to attend the sessions if they were not accredited beforehand and the decision is taken sometimes only by the highest official of the Parliament, Speaker of the House, whose political views and/or interests usually prevail over the general standards of democratic criteria and transparency. It is rather difficult for the general public to attend the session, particularly when the issues debated in the legislative

house are bound on social sensitive themes, or when mass media is searching for statistical evidence or political arguments on the policies that became of top-interest. Even within the project of Democratic Audit Moldovan experts faced a lot of obstacles in obtaining the free access to public sessions. In 2004, there were several cases in which national mass media could not receive credentials to attend to the plenary sessions of the Parliament, being refused to apply. On July 7, the Supreme Court of Justice examined the application of the TIMPUL Magazine against the Parliamentary staff that refused to provide them with records of plenary sessions of the summer 2002⁵¹. The argument invoked in court by the Parliament's representative was that records of the parliamentary sessions are considered to be confidential, therefore any information on this subject is strictly limited, and only other MPs, parliamentary staff and ministers could be allowed to use them. Mass media contested both the interdiction to access session's records and also that the Internal Regulation has never been published in Monitorul Oficial.

Article 34 on the right of access to information places both the state and the private media under the duty "to ensure that correct information reaches the public opinion" (#4). Such a requirement can also be found in Article 1 of the 1994 Press Law, which provides that the state guarantees everyone the right to "truthful information from periodicals and press agencies". The constitutional duty of the media to disseminate only "accurate" information and the power of the state to prescribe what is or is not "accurate" is reflected in the ordinary legislation imposing the burden of the truth proof on the journalists. These provisions –which are contrary to the good faith and public interest defense as defined by the case law of the European Court – have a potentially chilling effect on the media, which can lead to self-censorship. In 2000, the Parliament adopted a good Law on access to information. The law should contribute to improving the quality of public life in the country. But most of the public officers ignore this Law which remains also largely unknown to the public. Not surprisingly, therefore only 17,9% of respondents say that the Parliament is 'open and transparent', as opposed to 49,8% saying the contrary, with 32,2% having no answer at all.

Article 32 of the Constitution guarantees the freedom of opinion and expression. Surprisingly, this right is guaranteed to "citizens" only, excluding foreigners and stateless persons_ (paragr. 1). The text further provides for content-based restrictions and places freedom of expression below other rights or interests: "freedom of expression may not harm the honor, dignity, or rights of others ..." (paragr. 2), "all actions aimed at denying or slandering the state or the people are forbidden"; "instigation to sedition ...incitement to territorial separatism" is also prohibited (para.3). However, slander against the state is par excellence a political expression. Criticism of the government and of its policies is at the very core of the concept of freedom of expression as guaranteed by the ECHR and the Strasbourg's Court case-law (see the Lingens v. Austria cornerstone judgment of 8 July 1986, Series A no. 103).

Representativeness

Most of the indicators focused on 'representation' try to capture the extent to which elective institutions, national parliaments and other public institutions that are managed by political elected top-officials, accurately express public preferences. One of the two indicators chosen to measure the degree of representativeness is party dominance, describing how the legislature is dominated by one or a limited number of political parties. This indicator assumes that if there is a strong majority fraction that dominates undisputedly over the rest of small parties, then there are considerable public unrest, policy frustrations and large segments of the populations remaining without effective representation. A party dominance index has been internationally accepted because of its simplicity. It allows to divide the size of the legislative body by the number of seats held by the largest party and multiply by 100, thus, the index ranges between 100 – 'full control', in other words, all legislative seats belong to a totalitarian party, multiplied by 100, a figure which varies from country to country⁵².

The smaller the number of seats of the largest party, the higher the index score, is signifying diminishing dominance and better representation. Of course, there are exceptional cases in which, in spite of the obvious statistical domination of one large party, all citizens enjoy a relatively well-established formal representation,

although, as a general rule, the likelihood of conflicts when a strong party dominates the legislative chamber is much documented. Substantial changes occurred in the Moldova since 1989, when the first Parliament was elected in circumstances of the incipient pluralist social groups. Party dominance increased in 1994, with the Agrarian Democratic Party winning a majority of seats in the legislative chamber incorporating other three parties (Unitatea Edinstvo, CDPP and DFP), and decreasing in 1998 to a slim alliance of forces (51 deputies) vis-a-vis the emerging Communist party (40 seats). The erosion of the ADR (Alliance for Democracy and Reform) and the continuous stalemate between the Parliamentary parties and President Lucinschi has paved the way towards a deep political crisis in 1999, a non-confidence vote to the acting Government, and then, when the legislature was unable to confirm a new Prime Minister because of the acid confrontation between the Communist opposition and the ruling (but disintegrating alliance), elections appeared as inevitable. Erosion of political parties and legislative process is truly a significant factor in the instability of the political system, but the experience that has been registered in Moldova shows brilliantly that no super-dominant party would be a recipe in this sense.

It is stated that representativeness of parliaments can be achieved by conducting fair, free and democratic elections⁵³. But this is only the first and foremost condition which does not guarantee that the legislatures will remain (if they were at the time of their foundation!) representative for during the whole duration of their mandates; therefore, in addition to the formal/procedural understanding of representation, Parliaments should fit to a number of criteria that are often described as being of functional relevance to the law-making process. The functional representation of interests has mainly been expressed, as partially discussed above, in the two forms of corporatism (and this especially in some small European countries with a reduced fragmentation in sectors and greater cultural homogeneity) and lobbying schemes (US model). If, at national level, the emergence of direct functional representation of interests has increasingly taken place in the last decades as a supplement to strong parliamentary systems, at EC level such representation has played a strong role. The widespread

tendency to stress the significance of effectiveness of the legislature has led to a significant delegation of decision-making power to informal groups and organizations (with the consequent reduction of the parliamentary role), giving rise to the phenomenon of what has been named the “post-parliamentary or organic democracy”. Parliaments can be made ‘more representative’ according to a number of criteria that cannot be ever completed, for instance: each party’s share of the votes cast for its election, geographic distribution, and other social characteristics.

Almost immediately after the elections of February 2001, opposition raised the question of biased political representation of the Parliament. There were some arguments supporting their skepticism. In addition to the irregularities registered in elections, which were minor according to the international observers, concerns were raised because of the effects of the election system. Indeed, because of the peculiarities of Moldovan electoral system it comes out that the PCRM is over-represented in the Parliament. More exactly, while gathering 50.07% of the poll at general elections of February 2001, the majority faction has 71 of 101 seats (70.3%). Moreover, only 67.52% of the population included in electoral lists participated in 2001 parliamentary elections, which means that not 50.07% but only 33.4% of the population expressed their support to the current ruling party, who does not seem to realize it. Because of the existing thresholds of 6% (for one party), 9% (for coalitions of two parties) and 12% (for coalitions of more than two parties) in elections as many as 14 parties and electoral coalitions were left off the board. However these parties gathered 26.4% of all the votes cast in elections. The ten independent candidates are responsible for spreading other 2.3% of the votes.

It results that almost 29% of the votes expressed in February 2001 were lost for participating parties and went mainly to PCRM. However, only very few of the parties left out are ideologically close to PCRM. This is why the existing minimal representation thresholds are subject to periodical harsh political debates in Moldova. Many analysts and politicians representing middle and small political parties have questioned the compatibility of such high quantitative criteria of selection with the democratic standards that Moldova wants to meet. The d’Hondt algorithm of attributing MPs

mandates leads to political configurations in Parliament which are clearly favorable to any party winning elections with a high relative majority when a large number of political parties disperse significant shares of votes without meeting the minimal representation threshold. The algorithm is another issue spurring hot debates in Moldova. The results of the Survey show however that 49% of the respondents believe that the Parliament 'is not representing the whole society', against 28,6% who affirm the opposite. The support is heavily underpinned by ethnicity. Only 25% of the Moldovans believe that the Parliament is truly representative to the society, while the same opinion is supported with 42% by Russians, 40% by Ukrainians, and other nationalities - 46%.

Secondly, there is the issue of fair representation of political parties in working and steering bodies. For example, the speaker of the Parliament is from the PCRM and so is one of the vice-speakers while the other vice-speaker is for the time being an independent MP (even though he was elected on the lists of AMN). Hence neither the current AMN, nor the CDPP are effectively represented in the leadership of the Parliament. As for the Permanent Bureau numbering 11 members, the opposition has only one representative for each of both, AMN and CDPP while the ruling party has 8 members and one member is independent. It is difficult however to appreciate this representation as unfair since the independent MP is a former member of the AMN that left the faction. Generally the structure of the Bureau is similar to political configuration of the Parliament but on the assumption that the latter is not fair it results in the fact that no fair representation is possible in parliamentary working and steering bodies. According to Internal Regulations of the Parliament each Permanent Committee should consist of representatives from all parliamentary factions and thus, to reflect the political configuration of the legislative.

However not all political forces are represented in every Permanent Committee and not all elected MPs are actually represented in a Committee at all. Moreover, three MPs were identified as being members of two Committees⁵⁴. On the other hand, electoral alliances - that would also encourage circulation of elite and political pluralism - face similar difficulties with ever-higher voter threshold (7% for two parties, 9% for three parties, and 11% for

four and more). Internal erosion of the parliamentary fractions made some of the deputies leave their original parties (that mostly assisted them to enter the legislature), whereas they have tried to set up a group of 'independent deputies' (illegal according to the acting Regulation), allowing them to vote in an opportunistic manner on an ad-hoc basis.

Participation

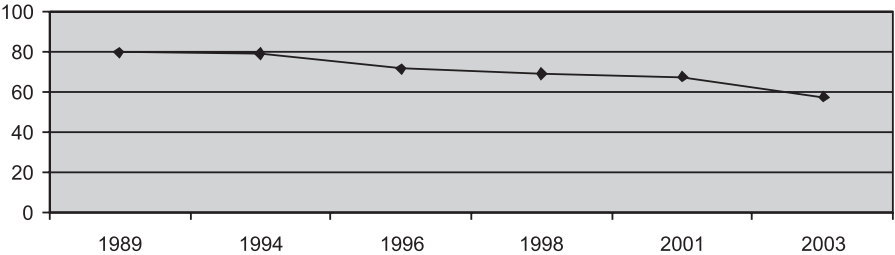
Participation in the law-making process is an essential condition for the legislature to remain democratic and representative. Participatory democracy is always conceived as a bottom-up, rather than a top-down model in which civil society is enabled to give inputs in order to shape and influence the governance of public community. But in order to follow this model which is to some extent embraced by most of the nations aspiring towards EU membership, public institutions must be clearly ahead in designing effective channels of communication with citizens. For instance, the EU Commission identifies 5 basic elements for good governance⁵⁵: "openness, participation, accountability, effectiveness, coherence". Civil society participation, through organizations representative of supranational interests, to the developments of transnational governance, has been framed as "a means to connecting society to structures of governance".

In Moldova, there are several acts that could be perceived as satisfactory in meeting the general international standards while setting up an adequate basis for democratic elections. A Law on the access to public information has been adopted in 2000, following a series of other legislative acts (Law on state secret, Law on mass media), providing a sound regulatory framework in the country. However, more precise regulations are needed to interpret legislation, in particular with regard to secrecy of the vote, mobile voting, the rights of election observers, and display of voters' lists. For an election to be valid, the law requires that one third of the registered voters for each electoral unit must vote, including the voters on the supplementary lists. As the turnout requirement also applies to repeated elections, such a provision may lead to an endless cycle of elections if the turnout continues to be below the threshold. The characteristic defined by participation reflects usu-

ally a variety of aspects. On the one hand, participation is usually documented by the voter turnout in national elections. This is mainly because voting in elections is very important for political participation, but also because of difficulties in measuring participation by other indicators.

The typical approach in measuring participation is to refer to the percentage of voters in relation to the adult population of the country, while another tool would be to consider the existing relation between the proportion of voters and the number of registered voters. The voting rate appears in % as the number of ballots counted after the voting has taken place (valid and invalid ballots). This approach considers, as well relatively easy rules for voting so that eligible citizens would be freely allowed to express their election preferences.

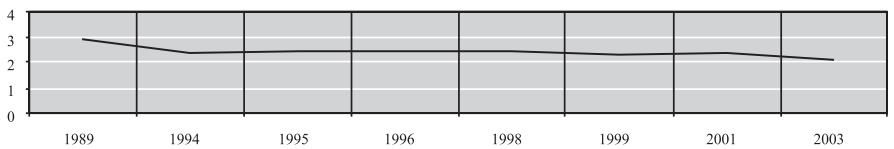
CHART 2. VOTERS TURNOUT IN MOLDOVA



Compared with other countries, voter turnout in Moldova is not as high as we are used to think of. The last election turnout (67,52%) rates the country on the 23-th place, close to Bulgaria and Israel among 37 surveyed states, where the largest level of participation was registered in 2001 in Australia – 94% and the lowest in Switzerland –41%. Voter participation is fluctuating as to voters’ perception or, the so called, ‘relative importance’ of elections, which usually coincides with the political or administrative distinction among election campaigns. Thus, general elections attract a larger number of voters while local elections are challenged usually with a much lower participation of voters.

Data on the voter turnout in the last decade in Moldova reveals an alarming trend of decreasing of voters’ participation. Some of the politicians would be inclined to see this steady decline, as a proof of ‘normalization’ of the political life – providing the examples of the Western democracies where low voter turnouts are largely considered as lacking importance. But not in a poor country like Moldova where high voter participation is an expression of institutional dynamics. Indirect measurements show however that voter deception and low confidence in the major political players – political parties – do explain partially why voters ceased to get involved in elections in Moldova. Only 4,3% of respondents do generally trust parties, while less than 1,3% of them have a membership to a political party.

CHART 3. DECLINE OF THE REGISTERED VOTERS IN MOLDOVA 1989-2003



One of the most frequent remarks of the domestic and international observers of the Moldova’s elections is the formidable challenge faced by the precinct election bodies and local administrations to compile the lists with registered voters. Due to the fact that the last public census was held in 1989 and that there are various types of technical difficulties to update the official lists of voters, errors range between 10% to over 30% of the number of voters which is, of course, a substantial tool in altering the results of every turnout, usually by the ruling party or by party loyal activists operating at the level of bodies in charge with the election administration. In addition to the demographic decline experienced today in the country, quite a large proportion of the active population is today considered to be outside of Moldova being employed as ‘cheap labor force’, and this economic emigration is estimated today at over 600.000 citizens.

As soon as in February 27, 2001 Elections the CPM gained a large majority of votes (less than 50% of the votes cast in elections!), the parliamentary model of governance has been infused with a sense of authoritarian governance that simply reduced the opposition to a totally decorative role, consistently impacting on the democratic criteria and practices that were earlier considered as a sine-qua-non for the constitutional framework in Moldova. The existing electoral system displays a lesser degree of representativeness, because voters are invited to vote mainly for party list candidates, while thresholds for independent candidates are extremely high (4%), making individual choices to fade before parties that clearly dominate the political landscape.

Responsiveness and transparency

Over 3,300 of citizens applied in 2003 to the Ombudsman (Parliamentary Attorneys) to defend their rights, registering a slight increase as compared to 2002. The most frequent type of complain is related to the free access to justice - over 25% of all the requests, other complaints concerning the limitations in the rights for social assistance and protection - 20%, and over 15% - regarding the ownership rights, 12% - also on the right to information, and 6% - on labor violations⁵⁶.

Accountability is perceived often as being exclusively related to the meetings that deputies should have in the territories. Therefore, acting officials of the ruling party and parliamentary leadership have over scored the importance of having regular meetings with ,workers' and ,simple people', which is of course, one of the most important forms in making deputies responsible before their constituencies. However, all of these actions are done at the expense of other forms of parliamentary accountability, including the ways of making procedures easier to understand, and more friendly for the eventual users of parliamentary information. Thus, the only official site of the Parliament is providing a minimum of data and information about the key-characteristics of the acting Parliament. It does not consist of conclusive information in the commissions, agenda of parliamentary debates, and channels of communicating directly with parliamentarians, etc., or even minimal information concerning the parliamentary budget.

Thus, accountability understood in institutional terms is almost a terra incognita for the Moldovan parliament. The opinion of citizens concerning the legislative process is somehow divided, with 41,5% saying that the laws adopted by the Parliament reflect the true social, economic and political issues of the society, whilst 32,7% oppose it, and 25.1% don't know the answer. The positive answers are again shared by ethnic minorities and the titular (Moldovan nationals) are more divided in their answers (yes - 37% of Moldovans, 52% of Russians, 50% of Ukrainians and 62% others).

*In our state, laws are adopted in secret, in spite of the fact that there are various mechanisms: conferences, publications, focus groups, brainstormings, that could serve as a tool to collect expertise, or involve simple citizens in improving the legal framework... Sometimes, even the MPs are not yet familiar with the legislative agenda, and they have not any chance to acknowledge the drafts of the law*⁵⁷.

It is interesting to note that 40% of the respondents believe they can increase their influence over law-makers 'by picketing the Parliament's House', while 34.4% are categorically opposing that. This option is however more credible to conventional citizens than others listed. For instance, 34,9% of them believe that audiences and debates might be a better solution to influence the law-making machinery, as opposed to 31,2%. Definitely, political parties are viewed by 43,4% of the respondents as natural engines to influence the law-making process. A special field for increasing parliamentary accountability is usually the quality of overseeing activities of the Parliament, or the so-called – parliamentary control over the executive agencies of the Government or over those agencies that are strictly supervised by it⁵⁸.

Considerable effort should be dedicated to make the parliament more transparent, more responsible. Neither this Law nor the Decision of the Parliament on administrative costs or of the personnel expenditures, or other material support provided to the staff nor MPs (No.22-XV din 29.03.2001, published in the Monitorul Oficial al RM no.42-173 of 06.04.2001) provides clarity on these issues. For instance, the Decision stipulates in art.1-2 only the fact that

‘the Parliamentary staff is approving the personnel scheme in a number of 194 of units, in accordance with attachments 1 and 2’,...

it stipulates also that it:

... ‘approves the organizational charter of the Parliament consisting of 101 MPs, and the executive staff of the Parliament as necessary, according to annexes’.

But, none of the mentioned annexes were ever published in Monitorul Oficial or in other public sources. This shall begin with the accountability of the Parliament regarding the financing of its major activities. Due to the fact that the Parliament is funded from the state budget it should follow the same rule as any other public institution by placing its own budget to the scrutiny of citizens. Today, its budget can be found only as a total net in the Law of the state budget for 2004.

Access to information

On May 11, 2000 Law no. 982-XIV on access to information was adopted. According to several NGOs, the adoption of this law was a major breakthrough. Article 4 provides for “the right to seek, obtain and disseminate official information”. Article 7 lists the many categories of restricted information: (a) state secrets, protecting the military, economic, technical-scientific, foreign policy, intelligence, counter-intelligence and investigations activities whose dissemination, disclosure may endanger the security of the state; (b) confidential commercial information; (c) personal data whose disclosure could interfere with privacy; (d) criminal or other investigation whose disclosure could affect the fair trial or endanger one’s life; (e) results of scientific research in order to ensure the copyrights.

“State secrets” as an exception from the access to information, are regulated by Law no. 106-XIII of May 17, 1994. Article 12 prohibits that information on unlawful activities of public authorities be classified, except where such disclosure threatens the national security. Unlawfulness could, therefore, be covered under the national security umbrella. A positive aspect refers to the

access to court against the denial of information (Article 23 of the Law on access to information) and against the decision to classify information as a state secret or to declassify such information (Article 14 of the Law on state secrets). In 2004, the Parliament has accredited 151 journalists, which is almost 20% less than in 2003. New accreditations are issued at the end of the year, when the Press Office of the Parliament is announcing a short deadline for renewing official accreditations. Usually, the Press Office is allowing only 2 persons from news agencies, 1 per printed publication, and 3 to 4 individuals from the electronic media. It was stated that if the accreditation time has expired, the official approval takes more time than needed.

Article 140, §4 of the Criminal Code – introduced in June 2001- punishes with imprisonment up to three years the civil servants who violate the law on access to information if the victim’s rights have been substantially affected and if the information requested concerns public health, public safety or the environment. Article 199§7 of the Administrative Code – introduced in June 2001- punishes with a fine civil servants in charge of enforcement of the law on access to information if they violate its provisions. These provisions have not yet been enforced. In most of the cases, the law on access to information is not implemented. Due to insufficient democratic education and training, or even professionalism, many journalists are reluctant to use this Law and it remains still on the paper. The large majority of the population lacks information on the existence of the Law and on the instruments to use it. Equally, the experts were informed that many civil servants have never heard of it. The public authorities apparently failed to make preparations provided by the Law, such as publicizing the basic data about the institutions which should ensure training, copying machines, etc. Although public authorities should create their press units, many of them have reportedly failed to do so. In this respect, the “Center for the promotion of freedom of expression and access to information”, an NGO was unsuccessful in obtaining data about the measures adopted to enforce the law.

It was also reported that, in general, the attitude of the officials is to keep in secret most of their activity except when they want to give certain pieces of information to some friendly jour-

nalists for a specific purpose. However, such kind of relationship falls outside the scope and aim of the law on access to information. It would appear to discriminate between different segments of media and lead to an unhealthy environment for them. Also, access to the records of the parliamentary sessions seems to be considerably limited. By a reportedly unpublished decision of April 2001, the permanent bureau of the Parliament issued an exhaustive list of persons who could have access to such records and denied the access of outsiders, including the media. Moreover, the Prime Minister allegedly refused the press to cover discussions in Parliament on the 2002 budget without providing an explanation for doing so. The government's meetings are, so it is reported, exclusively attended by journalists working for the Communist Party's newspaper or for the state-owned broadcasting institutions. Moldovan journalists complained about the inaccessibility of officials and lack of transparency in their activities. Journalists representing non-State media have been, so it was often claimed, repeatedly denied access to various events hosted by the authorities. It seems that information on corruption is among the least accessible to Moldovan journalists. Although court hearings are, in principle, public, one non-governmental organization - the Moldovan Helsinki Committee - was denied access to a court in June 2000. The organization's complaint is still pending before the court.

Moreover, it would appear that it is very difficult to have access to some important official document. The refusal to publish the Treaty on Moldovan-Ukrainian delimitation of borders was given by human rights defenders as an example. The courts' attitude in cases of denial of information cannot be evaluated since the experts had been informed that no complaint has yet been filed. This absence of complaints can be explained by the lack of trust in the courts (as explained above). Article 34 on the right of access to information places both the state and the private media under the duty "to ensure that correct information reaches the public opinion" (paragraph 4). Such a requirement can also be found in Article 1 of the 1994 Press Law, which provides that the state guarantees everyone the right to "truthful information from periodicals and press agencies". The constitutional duty of the media to

disseminate only "accurate" information and the power of the state to prescribe what is or is not "accurate" is reflected in the ordinary legislation imposing the burden of the truth proof on the journalists. These provisions - which are contrary to the good faith and public interest defense as defined by the case law of the European Court - have a potentially chilling effect on the media, which can lead to self-censorship.

Checks and balances or Parliamentary supervisory function

Parliamentary control is the most visible tool and capacity of the legislature to constrain executive behavior. Parliamentary hearings represent in this sense a pivotal form of parliamentary control and supervision over the executive policies. Unfortunately, in many transitional countries, exactly this crucial institution tends to be weak in relation to the executive. The representative function is fundamental as it shapes the democratic character of the other functions. Generically, this paradigm would force the Parliament to plan various ways to increase the responsibility of the officials, to respond to political pressures which are perceived as 'non-productive' or 'effective' over individual ministries, and improve the collegial responsibility of the Cabinet before the Parliament.

The Parliaments can legislate and conduct oversight, but without effective mechanisms of representation, they cannot be democratic, and are not likely to act in the interest of the society as a whole. This allows the legislative power to play a role in assigning responsibilities at the national level and control effective use of the public mandates, resources, competencies for the sake of 'public interest'. Therefore, all deputies of the Chamber have full rights to question the acting Cabinet, on behalf of their parliamentary fraction, on their behalf and on voter's behalf on various subjects, which are neither limited nor constrained by any kind of limitations of the legislation. Typically, deputies have to respond to their own inhibitions or self-interests by the hearing sessions so as to not prejudice their party interests if they are from the ruling party fraction, while the opposition will employ its arguments on the hearing's day to gain additional leverage of criticism on a tactical basis. Of course, this is the reason why the opposition exists in Parliament, to shed light into the public affairs.

On the other hand, the Cabinet will do everything to keep the information that may endanger its own position before the legislature. In addition, the traditional concept of responsibility may envision that Ministries and not civil servants are directly subjected to Parliamentary hearings; therefore, invitation of civil servants at the hearings would increase tensions between the ministries and ministry staff. The elaboration of a Code of Conduct for the ministries and civil servants is clearly a recommended instrument to assess the degree of shared responsibility of these distinct categories to the Parliament. The classical model of parliamentary supervision is emphasizing the principle of 'separation of powers', and of checks and balances. Even if it does not totally eliminate the traditional meaning of this paradigm, the supervision function is to be conceived as a form of promoting cooperation between the executive and legislature in order to accelerate the provision of services. Supervision and assignment of responsibilities help the executive to implement legislation in accordance with the constitution and sense of justice that belongs to the legislative house.

The effectiveness of parliamentary oversight is diminished in those situations when a majority of the political parties in parliament is closely linked to the executive. This situation poses an interesting challenge to aid providers because parliamentary assistance programs will not be so effective since the parliamentarians themselves, forced by the political situation, are not willing or able to use fully all instruments belonging to parliamentary oversight of the security. The Parliament is capable to maintain control over the legislation adopted and promote the constitutional values only when there is a concerted effort with the executive, and policies have responsible officials behind. The very original sense of parliamentary supervision is to search for flaws that may endanger public benefit, or draw the attention of the executive upon eventual errors for policies subject of implementation. The implementation of the supervision of laws should be initiated with the identification of systematic reasons for failures. The Parliamentary Committees need to have necessary resources, information and expertise in order to assume the role of monitoring instruments of the political cycles. In a parliamentary regime, the

pillar of the system is the ministerial responsibility before the Parliament. Thus, constitutional amendments create a Cabinet of Ministers that shall be fully dependent on the vote and agreement of the legislature.

The new text of the Constitution is specifically stating that; members of the Government are responsible individually and collectively to the Parliament'. But, the application of the constitutional provisions in our politically turbulent environment is not that easy and clear. The traditional approach of the governmental responsibility to the parliament originates from the concept that ministries exercise alone the powers of the Government, and therefore, they are to be made fully responsible for their actions or for actions made on their behalf. The Cabinet is however not at all homogenous. It is highly supervised by the President of the state, while individual policies are more often encroached by public servants which are not politically subservient to the Parliament, but on Civil Service law. Thus, the responsibility of the Cabinet to the Parliament is often obscured by an interplay of political interests, which often is entailed not on the criteria of evaluating the true performances of the Cabinet, but largely by the pure-political 'reasons' of erecting a new Government, or taking the risk to maintain the Cabinet, but diffuse the failures by sacking some of the weak Ministers. It is obvious however that the refusal of the traditional doctrine to allow a distinction between the political and managerial responsibility is not in line with the modern shapes of the current legislative - executive relations, discouraging open debates and transparent governance, at the expense of the larger missions in the public sector reform.

Usually, opposition is believed to rely strongly on the traditional concept of ministerial responsibility. Not surprisingly that CDPP has shown repeatedly after 1995 its will to pass through the Parliament a Draft Law on ministerial responsibility, this is certainly confirming that parties with a solid background in opposition are usually more sensitive on the lack of genuine information about the executive policies as such, while parties which circulated in power have their own reasons to abstain from increasing too much the level of confidence into a regulatory framework that will define very strict obligations before the legislature.

Therefore, the implementation of checks and balances would be preferable to signify more ‘a shared responsibility’, which does not mean automatically a demission unless there are considerable arguments or documents showing compromising materials, which would shift the issue to an overt obligation to present to the Parliament the whole information and immediately making necessary steps to correct the identified mistakes.

There are several complaints that the existing Commissions have a rather decorative role, limited to the drafting and adoption of the new laws with very few efforts directed to oversee the implementation of the legislation. Thus, the Commission for Culture, Science, Education, Youth and Mass Media which is responsible, in Parliament, for the drafting of legislation concerning freedom of expression does not appropriately oversee institutions in charge of guaranteeing a fair policy in public media, like e.g. the Audio-Visual Coordinating Council (CCA). They do not take the necessary measures to put an end to the conflict of interests within the CCA, thus leaving the door open for violations of the rule of law. Members of that Commission who met the experts were even unaware of the content of the draft legislation that will regulate defamation⁵⁹.

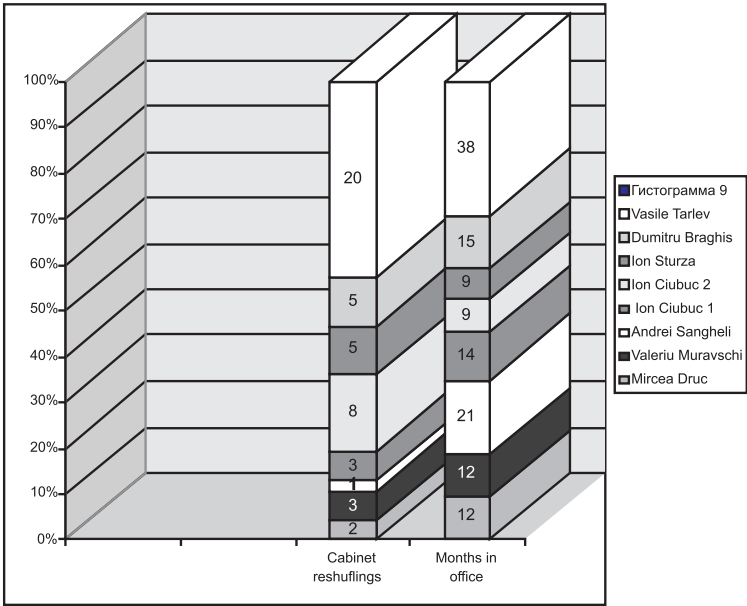
Stability of the political system, and stability of the government

Indicators of regime stability are employed in political sciences, where it assumes that the degree of ‘stability’ or ‘lack of stability’ has a direct impact upon the quality of democracy. We’ve decided to identify two indicators to assess the stability of the political regime: one is related to the number of changes of government in a state, (for instance, the number of prime-ministers confirmed by the parliament to lead the executive branch of the Government⁶⁰) while the second indicator is to assess the number of times when the Cabinets are subject to subsequent changes affecting individual ministers during the term of office confirmed to a Governmental mandate⁶¹. Lijphart differentiates his approach from what he calls the “prevalent” point of view according to which “cabinet durability is an indicator not just of the cabinet’s strength compared with that of the legislature but also of regime stability”⁶².

Government duration is a function of when the government in

power resigns or is voted down by parliament. Government resignation is an indication of a political disagreement between government and parliament, and whenever such a disagreement occurs the government will have to resign whether or not it is strong, or parties participating in a government for their own reasons will create disagreements in order to lead to the formation of a new government. The index is related to the percentage of the term a government actually manages to fulfill, being estimated on the basis of months spent in office from the time of official swearing to the swearing of the next Prime Minister.

CHART 4. GOVERNMENTAL STABILITY IN MOLDOVA 1991-2003

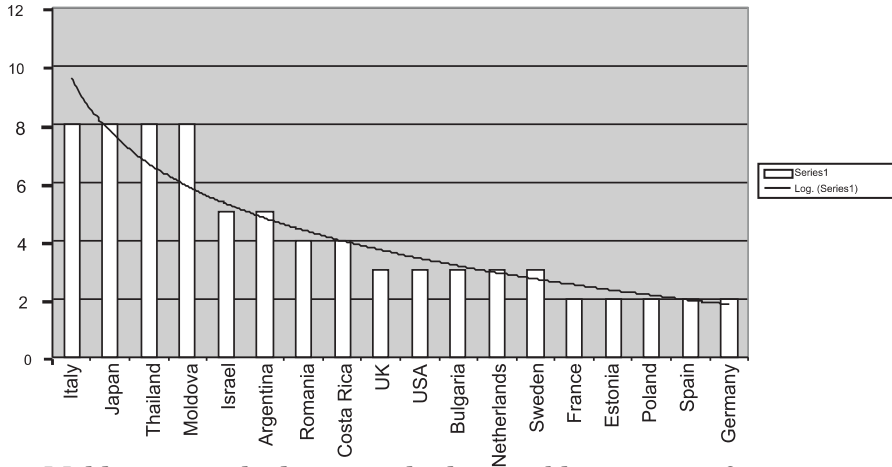


Legislative instability propelled frequent changes of the Cabinets, the average length of the executive mandate being estimated at 17,5 months. Although the acting Prime-Minister, Vasile Tarlev, has enjoyed a reputed experience of stability in office - with over 38 of months behind, his Cabinet was the field of the most swift

and unexplained changes in Ministers. Political reshuffles were more frequently than in any other Cabinet of Ministers, although the Prime Minister has survived all of his Ministers. Interesting to note that most of these changes were initiated by President Voronin, who did his utmost to keep his almost undisputed control over formation, mentoring and dismissal of the top-level and even mid-level servants of the Cabinet. This was a competence questioned by many even in a semi-presidential form of republic, and it blatantly conflicts with constitutional provisions laid down in the amended Constitution (August 2000). But, due to the existing 'monolithic majority' in the Parliament, all reshuffles were never agreed nor opposed by the acting majority of the ruling party, while opinion of the opposition were not heard at all.

Lijphart constructs executive dominance based on government duration the following way. He first measures the average cabinet life of governments where the only feature that counts is party composition (governments with identical party compositions are counted as one even if the Prime Minister resigns or if there is an election). I argue that executive dominance is a matter of agenda control, that is, reflects the ability of the government to have its proposals accepted the way they are as opposed to have them massively amended by parliament. As a branch of the executive power, Presidents were clearly a model of institutional stability. Even in this case, however, the latest constitutional amendments dated of August 2000 changed the legitimacy of the Presidential office – from popular national elections to parliamentary vote of confirmation, which has thus transformed the political regime from a presidential into a parliamentary republic. Thus, the mandate of President Lucinschi came to an end in early 2001 when the Communist leader, Vladimir Voronin, succeeded to install his own personal supremacy over the whole constellation of legislative and executive powers.

CHART 5. STABILITY OF CABINETS



Moldova is ranked among the less stable systems of government in the last decade along with Italy, Japan and Thailand - with 8 changes of government over the surveyed period of time. In most of the democratic states included in the study - 27 in total - government changed only one or twice during the last decade, showing a rather competitive stability within a pluralist environment. We did not incorporate in the study any reference to Cuba or North Korea where governmental stability is synonymous with lack of democratic institutions and harsh/brutal dictatorship of the totalitarian leaders and parties. But, in addition to frequent changes in government, Moldova is a leader as well in the incomplete terms of office. No one of the prime ministers has completed the full term of office as allocated by the Parliament's vote of confidence. Chart 5. describes the number of changes of the government in the surveyed states during the last decade. We shall conclude on the basis of these estimations that Moldova is one of the less stable political regimes and, clearly, among the least stable democratic states.

Today, having less political responsibility - as only the Parliament is directly elected by voters - the President is masterfully playing the instruments that were 'forgotten' in the Constitution by the time of transiting from the semi-presidential form of governance to the current parliamentarian republic. The growing discord that was registered since 2001 between the largest parlia-

mentary fraction of the Communists and the opposition fractions is somehow compensated by its greatest extent and by its institutionalized stability. Apparently, in spite of the out crying cases of deputies being persecuted for their opinions, penal cases opened against deputies for their participation in the 'illegal' street actions (2004), lifting the immunities of the opposition (2003), kidnapping deputies (2002), legislative machinery is unconventionally functioning, with statistical evidence proving that the existence of a very disciplined and compact dominant group of parliamentarians may simply disconnect the opposition from the normal way in which Parliaments function, simply because the parliamentary agenda is well established and agreed long before discussions are initiated in the chamber.

Culture of dialogue and democratic standards

Central to the question in this section is the assumption that citizens attitudes matter. Gabriel Almond and Sidney Verba's theory of civic culture postulates that the viability of democratic institutions is significantly affected by attitudes, such as belief in one's ability to influence political decisions, feelings of positive affect for the political system, and they believe that citizens' opinions are trustworthy. Challenges to political culture theory have taken place primarily on two levels and have emerged from various intellectual camps. The November 2003 Barometer of public opinion⁶³ revealed interesting tendencies with regards to the perception the public has over the civil sector and the state authorities. Following up the dynamics of the public trust in the civil sector main players, compared to the one of the authorities representatives (figure 2.2), one could easily notice that the number of people trusting the main civil sector actors has increased in 2003 compared to 2002, while the number of people trusting the authorities had decreased. And, at the same time, the distrust for the authorities had increased, while the distrust for civil sector players has decreased.

On Friday, 16 of April, the CPDP fraction demanded dismissal of the Speaker of the House and Auditing Court Chairman on the reason of ,professional incompetence and abuses in performing their obligations'⁶⁴. They've stated that this is due to a total legal

nihilistic attitude and ostensible inclination to infringe systematically on the Internal Regulation of the parliament, stipulating the way and regular proceedings of the Parliament, climbing up of the new drafts on the legislative agenda without necessary expertise and typical notifications from the permanent committees, of the parliamentary fractions and the Government, while eliminating other initiatives and proposals that have been submitted by the opposition. As in the past, these kind of actions made the object of severe critics and recommendations of the Council of Europe, as stated on April 24 and September 26 of 2002. Similarly, the CPDP leader blamed the Speaker is hiding information on the use of the Parliamentary budget with the purpose of building up a house for her in the downtown of Chisinau, and similar services provided also for other CP deputies. These wrongdoings are encouraged by the fact that the Auditing Chamber is also hiding its reports and available information referring the use of financial resources of the Parliament as well as of the president of the country. Following these arguments, the leader of the CPDP fraction demanded that a special inquiry committee shall be set up, that will confirm or infirm the evoked facts, and particularly, that this committee shall be chaired by an opposition representative to ensure a credible investigation.

Parliamentary boycott continued in the following week after Easter, very close to physical clashes between the majoritarian and minority fractions⁶⁵. When the CPDP deputies have blocked again the main microphone of the Chamber with large posters ,Demission', Down with Corruption' communist deputies responded and have attempted to ,disarm' their rival fraction, while chasing out mass media reporters to stop shooting the scenes of open hostilities. At the end of the session, CP leader announced that they will consider amending the Regulation in order to use the force to free up the session from ,hooligan elements'. Christian Popular Democrat boycotted several sessions of the Parliament by blocking the access to the main tribune under the argument that the leadership of the Parliament did not respect earlier commitments to provide clear answers and information to the parliamentary inquiry submitted on behalf of the CPDP fraction (art.108 of the Regulation). On her side, the acting Speaker warned that

she will apply art.116 of the Regulation, to calm down the deputies that create disorder in the legislative chamber⁶⁶. CPDP deputies claimed that what they demanded was totally natural to know about the report on expenditures made up by the Auditing Court on Parliament, Presidency and Centre for Economic Crimes and Corruption, other state bodies, and they found that all these reports became overnight withdrawn from the public use.

Therefore, this was the reason to boycott the sessions until a legal solution would be found out in this regard. For instance, the CPDP leader claimed that some of the expenditures of the Chamber were particularly spent for personal apartments provided to the Speaker, Eugenia Ostapciuc, and that was an illegal decision, a secret one, which cannot be accepted. In his turn, the leader of the majoritarian fraction stated that the Chamber shall adopt a tough position against 'hooligans', and that the Committee on National Security shall be invited to state clearly what information is 'secret' and what cannot be 'securitized' from the deputies, in particular, and public, in general. In addition to that, the leader of the Communist fraction stated that the stalemate will be resolved with the adoption of tougher amendments to the Internal Regulation of the Parliament, which follows to receive a legal notification from the Council of Europe's Legal Committee.

With a large constitutional majority of 71 out of 101 seats in the one-chamber Parliament, the CPM was associated by many citizens with a good promise to stability and economic growth. Polls show over 55 percent of population believing 'the country goes into a wrong direction', but the highest rates of popular support still belong to CPM. Over 50 percent of respondents say they would oppose to the dissolution of the Parliament, governing by decrees, establishing a censorship in the mass media, banning public protests or demonstrations, other meetings or limiting the right to circulation for Moldova citizens⁶⁷. Latest developments revealed however that most of the democratic institutes and reforms initiated at the mid of the 90th can be easily revised, particularly when a party is succeeding to install its overwhelming control on the key-positions of the state. Voter's credibility in the nostalgic appeals of the CPM has prompted its leaders to rely on policies that have almost no relevance for the overarching

social and economical issues, but foment cultural and symbolic divisions of the country's population. The prevalence of symbolism over policy-making efforts coincided with a large mobilization of political protest, difficult to appease even by the Council of Europe's mediators.

The opposition, NGOs, and international experts have strongly criticized recent amendments to the law on political parties stipulating excessive requirements and for the violation of citizens' right to privacy. Among other issues, the amendments require all parties to submit to the Justice Ministry on an annual basis a list of all their members, including personal information. Despite recent amendments to the Election Code that shortened the electoral period from 90 to 60 days, the election administration carried out their tasks professionally at all levels. The CEC operated in a transparent manner; in general, its decisions were well-considered and in accordance with the law. Media and observers had access to CEC sessions. No consistent dialogue with civil society occurred in 2003, and the legislative activities went even more difficult than in 2002, with opposition boycotting the sessions, and with the ruling party doing the same when opposition MPs were asking to take the floor in the Parliament. The mutual antagonism erupted in September, when opposition parties decided to boycott the legislative work of the Parliament, by commencing to protest in the streets of the downtown

Another important characteristic of the Moldovan civil sector is that it is highly polarized, as it is in fact the entire Moldovan transitional society. The CPM is still classifying the civil sector participation according to the criteria of loyalty to the communist ideas, and moreover, favoring the loyal actors on the account of the others. The 2002 'social pact' initiative launched by President Voronin revealed that very few NGOs are supportive towards the CPM policies, therefore, an infusion of some 'loyal NGOs' followed. In order to balance the impact of the real civil groups of the Moldovan civil society CPM have highly encouraged the creation of alternative organizations and association, which were receiving significant funds from the state in return for their loyalty. As the CPM is traditionally gaining benefits out of the polarized society, the interventions of the state in the

third sector activities in 2003 were traditionally aimed to increase the distances between its various member groups.

A public policy process is clearly missing in Moldova, which make the rulers to attempt to “privatize” their public positions and capture state institutions. Civil society involvement is still limited and weak, although some of the challenges of the state, i.e. the EU expansion, sensitive issues related to identity markers, or regulation of Transnistrian conflict, are highly sensitive for the civil society. Some pressures from state authorities were also experienced in 2003 by trade unions, whose leaders were not enough supportive to the CPM policies. The authorities intended to split the unions’ movement by fiscal controls and even security services⁶⁸. Another example of how the CPM is trying to eliminate the opposition elements of the civil society would be its recent attempt to create a unique association of mayors by simply erasing the already existing associations from the Public Register. All the mentioned cases show how by administrative pressures, over blackmail or manipulation, the CPM is trying to get rid of the critical views expressed by the most dynamic part of the civil society, and in this regard, it attempts to re-create a soviet-like framework where public organizations may have the freedom only to agree with the leadership⁶⁹.

Enlightened understanding of norms

Most of the Parliamentarians lack a clear understanding of their role as representatives of the people, independent of government whims and loyal to the country. The linkages between members of parliament and constituency are weak partly because of the election proportional system (party lists in one elections national precinct), but also because of the lack of proper channels of communication with the public. This could be attributed to the lack of preparatory training to familiarize new and old MPs with the ‘accountability’, ‘transparency’, effective use of public mandates as political values. Similarly, institutional linkages making the legislature responsible to the public constraint would certainly increase individual responsibilities and ‘enlighten understanding of public duties’.

One of the main conclusions is that current electoral system is not adequate for Moldova. The absolute proportional electoral system introduced in 1993 is blamed for having serious effects over political standoffs. Most of the parties having ruled in Moldova after 1991 disintegrated lamentably. Scandals and lack of trust were a norm not only for inter-party relations but also within various political parties. Because of the electoral system and associated lack of transparency and fuzzy criteria for lists compilation, there is no link between the party elite and the electorate. A political party in Moldova means first of all from one to three leaders. It means also a political activity concentrated in the capital city and practically no efforts to reach the rural and small towns’ inhabitants. Finally, as political analysts affirm, there is no real inflow of new young leaders in political establishment in Moldova and as result this class has become self-complacent and ineffective.

Constraints associated with the wide range, variety and complexity of the issues debated in a modern parliament are of expert nature and often lie outside the scope and understanding of the majority of the members of the parliament. This prospect could also be linked with the inadequate facilities available to members of parliament to improve their abilities to cope with the myriad of subjects they are expected to deal with (poverty alleviation, anti-corruption campaigns, international crimes, refugees, environmental protection etc). In most African parliaments there is a lead voter who sounds to the majority of the members of parliament from his/her party on how to vote, sometimes with little to know knowledge of the implications of their votes.

Constraints associated with the social context of the post-soviet parliaments, are particularly popular misconceptions of the role of parliament in political accounts and the role of parliamentarians to bring government to account/full political responsibility. Political culture aside (ethnicity, social obligations, patron-client relationship), democratic culture is inadequately understood. Criticizing a Minister or the Prime Minister could be seen as an attack on a representative of an opposing ethnic group - with its socio-political ramifications, or an attack against the ruling party. Within this perspective is also the weakness of Moldovan civil society and its inability to take its responsibility

seriously to articulate demands and lobby parliament, political parties and government take their role more seriously.

Constraints associated with scarcity of resources (such as research facilities, analytical capabilities, and access to financial resources to hire professional consultancy) affects the well functioning of the legislating body effectiveness. The situation is even worse for members of opposition who are often denied equal opportunities of access to information about government conduct or refused reception by the political executive. The lack of internal democracy in parliaments also means that opposition members are demonized and often given inequitable treatment relatively to those of the incumbent political parties. One may divide the constraints that impinge on the potential role of the parliament into six main constraints: inherent in skewed democratic experience, weak democratic institutions, lack of internalization of democratic norms and values described elsewhere as the existence of only virtual democracies or democracies without democrats. In some instances, people began to lose trust in politics, politicians and political institutions that they see doing little to solve impending social, economic and political problems. Parliamentarians from the opposition parties are denied information and in some instances treated as enemies of the state.

Mass media watchdog on parliamentary activities

Over the last 3 years, the CPM leader has substantially increased its control on the most important public institutions, including mass media and judiciary, and that generated several conflicts with the opposition. A content analysis on the coverage of parliamentary agenda in a sample of mass media was done by the Project experts between January - May 2004⁷⁰. A number of 279 materials were printed in the above-mentioned period on both institutions: Parliament and Chisinau Municipality. The state-run Moldova Suverana printed three times more articles on Parliament than the opposition daily FLUX or weekly Timpul, and two times more than Kishiniovskie Novosti and Moldavskie vedomosti. The official press is publishing more news (45) than other publications, which prefer reportage (33) and, comments (22).

Particularly interesting was to see the tonality of the press towards the Parliament. Apparently, FLUX is constantly excelling in negative portrayal of the legislature (26 articles) and so is true about the Municipality of Chisinau (22). The most frequent words describing the Parliament are: abuse-prone, anti-democratic, irresponsible, dishonest. On the other corner, Moldova Suverana is the most exalted promoter of the acting Parliament (73 articles), abounding in: 'the highest mark', high responsibility, best experts, when it comments on the legislative activities. In between the two poles of public information, the other two publications, Timpul (19) and Moldvaskie Vedomosti (27) ape largely negative on both institutions⁷¹.

On a more neutral basis, Kisinevskie Novosti (37) is usually providing short news abstaining from commenting in a way or another the political developments in the legislative house⁷².

PUBLICATION	FLUX			TIMPUL			MOLDOVA SUVERANA			KISINEVSKIE NOVOSTI			MOLDAVSKIE VEDOMOSTI		
Tonality	+	+	-	+	0	-	+	0	-	+	0	-	+	0	-
Parliament	--	3	26	--	11	19	73	30	--	2	37	8	--	43	27
Mayorality	--	8	22	47	10	--	3	10	27	56	6	3	45	8	--

In most of the cases, negative articles approach the poor quality of the adopted legislation by the majoritarian fraction, tensions between the ruling party and the opposition. Most of the publication say that the Parliamentary activity is far from being transparent, and just a number of examples in this case: „*Trudno biti parlamentschim paparazze*”, (Kisineovskie Novosti of April 23 (2004), No.17 (69), *netransparenta* (FLUX), *a pune la cale* (Timpul). The main reason for this criticism is that the majoritarian faction has declined repeatedly to broadcast life the plenary sessions of the Parliament by the State TV and Radio, while restricting the access of mass media to very important events of the legislature.

	FLUX	TIMPUL	MOLDOVA SUVERANA	KISINEVSKIE NOVOSTI	MOLDAVSKIE VEDOMOSTI
Parliament	29	30	103	47	70
Mayoralty	30	57	40	65	53

In contrast to the rest of the publications, Moldova Suverana is continuously following the official position of the ruling party, providing extensive coverage of the key-topics of the party initiatives (Communist Party), abounding in terms of: cooperation, open to everyone, and joint efforts. Corruption is clearly the most frequent marker in assessing the relations with the legislature.

Thus, FLUX and Timpul usually describe the Parliament as being the most ‘corrupt institutions’, with ‘corrupt leaders’ and ‘non-transparent way of business’⁷³. Dozens of investigative materials were printed by the outlets to show that controlling bodies are blocked by the Parliament while supervising the incomes of the top-officials, or properties owned by the MPs. The arguments of the mass media is that weak state institutions succeed in producing large-spread corruption in Moldova and fail in making honest businesses profitable and secure. About two-thirds of Moldovans consider that it is simpler to solve their problems with state officials by using unofficial ways, and over 60 per cent are giving bribes.⁷⁴ These data, as a matter of fact, shows that the population is used to the idea that the official approaches are time and effort consuming. Among the most common distortions admitted by the state is the hampering of competition through extensive barriers to entry, which encourage monopolist practices, or instill an environment of fear and insecurity that force business-people to search for protection.

MUNICIPALITY OF CHISINAU

LEGAL FRAMEWORK

General regulations

Chisinau is the capital city of Moldova and because of this fact Chisinau benefits from a rather special situation comparing to other local communities of the country. Senior municipal officials affirm that a privileged role of the Chisinau municipality is recognized by the mere fact that differently to other local communities it enjoys a special municipal status provided by a special organic law⁷⁵.

However one should recognize that legal provisions regulating the Chisinau municipality are quite complex and ever evolving. For example, amendments to the law on the status of Chisinau have been proposed and approved by the government as a law-draft in October 2003 when this study was under preliminary preparation. The government also approved amendments conceived to cut off the number of staff of the municipal mayoralty. As senior municipal officials and independent policy observers say, this kind of structural changes are influenced by political reasons rather than reasons of administrative efficiency⁷⁶.

So, the legal and institutional dynamics affecting the Chisinau municipality are influenced both by interactions of local and central public authorities and by relations between various municipal authorities. Neither public opinion nor independent experts are consulted in the process of making laws affecting the functioning of Chisinau. However the lack of transparency and ignoring public opinion is a “normal” way of doing political business of the incumbent central administration that goes beyond the intergovernmental relations and holds practically every law and decision that the government and the parliament adopt.

The forefront regulations consist of the law on the status of Chisinau municipality⁷⁷, the law on local public administration⁷⁸ and the law on territorial-administrative organization of the Republic of Moldova⁷⁹. In addition special stipulations are provided

by the law on local public finances⁸⁰, the law on the property of administrative-territorial units⁸¹ and other normative acts. Every of the laws mentioned above has suffered significant amendments during quite a short period of time. The mere fact that a wholly new version of the law on local public finances has been adopted lately by the Parliament is a vivid symptom of the legal volatility affecting the external environment of the municipal public authorities. This law was drafted by the government and has been approved by the parliament in a totally obscure manner and not a single local community has been consulted. Nor were the Chisinau authorities consulted in the process of developing the new law on local public finances and this is despite the fact that Chisinau municipality is the largest contributor to the national consolidated budget and one of the very few local communities of Moldova enjoy a financial autonomy from the government.

According to the law on territorial-administrative organization, the system of local public administration in the Republic of Moldova is organized in two levels. The second one comprises the recently re-established districts (*raion* in the Romanian language). The districts were built on the administrative and infrastructural remnants of the previous counties (*judetse*). The first level encompasses the villages (communes) and towns (municipalities). However the Chisinau municipality is an exception since the law on local public administration articulates that the public authorities of Chisinau municipality belong to the second level of public administration.

The law on the status of Chisinau municipality establishes the organization and functioning of the municipal authorities - the municipal council, the mayoralty and the general mayor as well as local councils and mayors of the cities and communes (villages) of the municipality. The municipal council is the local representative and deliberative public authority. The mayoralty and the general mayor are executive authorities. The law prescripts that competencies that the municipal authorities are invested with cannot be contested or limited by any higher hierarchical body unless under legal conditions. The general mayor of the municipality and the mayors of the municipal communities are elected directly by the electors.

According to this law the municipality of Chisinau consists of the city of Chisinau itself, 6 towns and 13 communes (rural communities) adjacent to the city with their own public authorities. It is important to note that the 13 communes embody a total of 27 villages. The Law stipulates that all the communities of the Chisinau municipality are "autonomous administrative-territorial units".

For administrative and historical reasons the city of Chisinau itself is divided into five sectors. The municipal council of Chisinau nominates the praetors who are in charge of running the sectors. *Preturas* are executive authorities of the municipality mayoralty in every sector, they are legal entities and do not have their own elective bodies. Relations between the municipal public authorities and the public authorities of the communities of the municipality are founded on the principles of autonomy, legality and co-operation in dealing with problems of general interest. However, the municipal council of Chisinau is empowered to coordinate activity of the local councils in communities of the municipality in order to deal with problems of general interest. Indeed, the municipal council controls important leverages on the adjacent communities as it decides on the percentage of fiscal subsidies (direct transfers) and shared revenues to be allocated from the municipal budget to the budgets of communities of the municipality.

According to the law, Chisinau municipality is a legal entity, owns propriety and enjoys financial autonomy. The organization of the municipality is based on the principles of local autonomy, decentralization of public services, eligibility of the local public administration authorities and consultation with the public regarding problems of local importance. Autonomy means both the organization and functioning of the municipal authorities and the management of the interest of the citizens and communities that they represent.

Regulations on provision of public services

For the administration of the municipal and local public services are created within the municipal and towns and communities mayoralties. These services are created in every area of social

and economic activity, in fiscal administration, public order, and environment protection. The law on local public administration designates the general areas that the municipal public authorities are responsible for.

In the law on local public administration we distinguished as being the most important tasks of the municipal authorities the following:

- Social and economic development of the municipality;
- Building and maintaining local roads;
- Building large public infrastructure (hospitals, schools, highways) in limits of own necessities and possibilities;
- Health care and social protection;
- Assuring public order;
- Financing and maintaining colleges, schools, orphanages.

According to the above mentioned law the mayoralty of Chisinau is responsible also for housing, local public transportation, public hygiene, construction and maintenance of houses, youth and child protection and activities, public markets and halls, environmental protection and others. The local public authorities of the localities of Chisinau municipality have their own similar areas of responsibility that they coordinate with municipal authorities. However, in Chisinau municipality the problem of delimitating executive power between the first and second administrative level is much more complex than in other parts of the country.

Among the most sensible public services that municipal authorities are responsible for one can mention the housing services – heating, running water, waste management and others⁸². But the regulatory chaotic framework, the in-built structural weaknesses of the management and contradictory policies promoted by central government affect seriously the efficiency of the local public services management.

Fierce institutional battles were fought in the last couple of years in the realm of housing services. As a result the municipal authorities do not entirely control anymore such public enterprise as Termocom, the provider of thermal energy. Interestingly, this enterprise reports and subordinates both to the municipal council and to the Ministry of Energy. An institutional, technical and

financial disorder affects practically every segment of housing in Chisinau municipality spurring even more the political conflict between the municipal and central authorities and generating lack of trust and dissatisfaction from the part of customers. To mention only the most striking and fresh example, at the beginning of November 2003 most of the houses and living blocks of the Chisinau city were not yet connected to the centralized thermal network of the municipality whilst the average outside temperature was below 10 Celsius degrees. This situation repeats regularly every year and with time passing by and no service restructuring it gets more and more complex.

Regulations on transparency and accountability

There are several legal provisions regarding the general standards of transparency and accountability that local authorities in Moldova are supposed to meet. However, experts believe that while the general quality of legal provisions is quite satisfactory, stringent problems arise when it comes to their real implementation and respect⁸³. These problematic features become visible also when one analyses the activity of Chisinau public authorities and this is despite the fact that in Chisinau the civil society is more active than elsewhere in Moldova.

To cite only one example, while the free public access to the sessions of the Chisinau municipal council is provided by the law on local public administration, a sophisticated accreditation procedure is required any time when a journalist or a simple citizen wants to participate or to be present at the sessions. Difficult and time-consuming bureaucratic procedures are also in the case of the mayoralty officials. Even the implementation of the “Program on Democratic Audit of the Public Institutions” was tergiversated in August-October 2003 by an outdated procedure of getting permission in order that the IDIS Viitorul to be able to conduct the democratic audit. This very fact per se is to be judged as a telling indicator of the level of democracy and transparency in the activity of the municipal authorities.

A good practice of transparency was set by the general mayor to report annually to the municipal council on the state of municipi-

pal affairs. Last year report was published in municipal mass media and can be accessed also on the official site of the mayoralty. However, the rather good performances reflected in the mayor report are shadowed to some extent by the findings of a series of financial audits conducted by the Court of Accounts.

When it comes to the legality of the operational management and to the general budgetary transparency most of these audit reports reflect serious breaches⁸⁴. The Court identified repeated breaching of transparency principles in public procurements, in renting municipal land plots, in contracting private enterprises for public works.

To begin with the fundamentals, the article 34 of the Constitution insures in paragraph one free access of the citizens to any information of public interest. The second paragraph of the cited constitutional article requires the public authorities of any level to provide adequate and correct information about affairs of public concern. Only governmental secrets and personal information is not for public disclosure. However the remnants of a Soviet mentality specific to a large part of public officials, including the Chisinau municipal public servants, dictate secretive attitudes towards their tasks, tools and performances.

Article 22 of the law on local public administration affirms that sessions of the local councils must be open to the public. Article 25 specifies that normative decisions of the local council come to have legal power only after they are acknowledged to the public by publication in local mass media or by display in public places.

Specific legal provisions are related also to the budgetary transparency. According to article 22 of the law on local public finances the budgets of territorial-administrative units adopted by local councils and subsequent amendments are to be published in a mandatory way. However nothing is said about the publication of financial reports on executed budgets. Article 29 requires the financial divisions of the local executive authorities only to compile monthly, quarterly and annual reports on budgetary execution and the executive authorities to examine and approve them. Quarterly and annual financial reports have to be presented to the local council in order to be approved.

As for the financial control, only the Department of Financial Control of the Ministry of Finances and the Court of Accounts are empowered by law to conduct revisions and audits of local public finances. The fiscal inspections also have some attributions in auditing the fiscal correctness of the budget execution as for the part of fiscal revenues. No legal provisions provide explicitly for the participation of general public in periodical assessments of financial probity of local public authorities. Moreover, understanding financial reports on local budget execution is complicated for the public since the general accounting procedures and financial reporting standards are complex. The municipal budgeting in Moldova is founded on the principle of itemized expenditures. Differently to program-based or performance-oriented budgeting the system in place is favorable to less transparency.

Moreover, as mentioned above, the Court of Accounts has disclosed repeatedly financial irregularities in the municipal budget but no strong social reactions calling for more budgetary transparency and responsibility followed. Prior to the local elections of 2003 the general mayor and other members of mayoralty qualified these decisions of the Court of Accounts, together with arrests of managers of municipal enterprises, as tools of political pressure on local public authorities of the municipality worked out by the central governance, allegedly in order to create preconditions for dismissal of the legally and democratically elected representatives or, to influence the results of the local elections. These allegations may be plausible since they were not singular and not limited to the Chisinau municipality. Before the local elections several opposition mayors from around Moldova were arrested and not allowed to run the elections.

Article 10 of the law on local public administration stipulates that local referenda can be held on problems of special importance for the administrative-territorial unit. No local referenda have been ever held in Chisinau municipality and, as far as we know, no objective necessity for this has ever arisen. The representatives of the municipal authorities have declared that public consultations (in form of general assemblies of the local communities) have been held in towns and villages of the municipality on various issues of local development⁸⁵. According to the same sources in the city of

Chisinau the public was consulted on such issues like the General Plan of Urban Development, budget approval, digging of wells and others. However, these consultations limited only to specific lobby groups and were not conducted in due course to the rigors of a truly public debate.

We conducted an experiment to assess the public openness of the municipal bodies. One of our staff members played the role of an ordinary citizen Z wishing to assist at the session of the municipal council of November 28, 2003. He called the Department of Public Audience of the mayoralty which directed him at the Cabinet of Municipal Counselors. The Cabinet assistant said firstly that “there are no more places” and then added that she had no competencies to admit an ordinary citizen at the council session. According to her words only the mass media representatives have permission to assist and the citizen Z should contact the secretary of the municipal council in order to get permission. In her turn, the assistant of the secretary said firstly that the citizen Z should approach the Cabinet of Municipal Counselors. After knowing that Z comes actually from where she directs him, the assistant said ironically “I cannot help but can you imagine what could happen if every citizen is given permission to attend the session of municipal council?”.

We can conclude that while good legal provisions guaranty the public access and participation in the municipal affairs, there is still a long way to go until their full implementation and observance in real-life practices. The conflict amongst exercise of political authority in municipality is a further impediment to more transparency and more public consultation.

INSTITUTIONAL DYNAMICS

Local public administration - systemic evolutions

Among the transition countries the Republic of Moldova is a rather specific case. Its contemporary political history stands as a dramatic evidence of the negative impact that the political vola-

tility may exert on the administrative, economic and social efficiency of the local public administration structures. Four parliaments and eight governments changed in Republic of Moldova since the independence act of 1991 and the legal instability associated with frequent political changes impeded establishing a viable local public administration that would correlate with the recommendations of the European Charter on the “Autonomous Exercise of the Local Authority”. Moreover, since the general elections of February 2001 the provisions of the Charter have been violated openly many times.

Only during the last five years two antagonistic political trends shaped the local public administration system in the Republic of Moldova and these trends had a noticeable impact on the Chisinau municipal authorities also. Moreover, according to what some policy analysts say the changes that the communist government initiated since 2001 arguably has been inspired by the strategic goal of taking over the Chisinau municipality⁸⁶.

In the time span 1991-1998 the public administration system in Moldova moved along an amorphous trajectory with no clear development policies and with very few priorities of decentralization. It was only in 1998 that the decentralization reform was conceived and in 1999 that it started. The 40 former districts inherited from the Soviet regime were legally abolished and new larger and more viable regional structures were put in place. In parallel to these changes a systemic restructuring of the public administration began in order to complete the administrative-geographical reconfiguration of the territory.

A law on local public finances has been passed by the previous legislature providing the local and regional authorities with more financial resources required by the increased administrative autonomy they had been provided with. Hence, the two directions of reform were conceived as tools of a further political decentralization of the country in order to bring the most fundamental democratic elements in local public administration and to enhance the economic efficiency and financial sustainability of the new local and regional communities. Obviously the new local public administration system and the new territorial-administrative system were supported morally, technically and financially by the inter-

national community, including the Council of Europe, International Monetary Fund and World Bank.

The reform of 1998-1999 engendered significant political gains for the Chisinau municipal authorities. Indeed, a short time after the Parliament passed the local public administration reform on the 29 December 1998, two parliamentary factions adopted several amendments to the law. The amendments were allegedly lobbied by representatives of the former Soviet nomenclature in districts around Chisinau and envisioned the removal of three municipal communities off the municipality. The president of that time Petru Lucinshii refused to promulgate the amendments, a political stance that was supported vociferously by the inhabitants of these communities pleading before the Parliament edifice against this change. Two of these communities managed to remain within the municipality and obviously this comforted the political stance of the general mayor, who is widely supported politically by people living in adjacent communities. Besides territorial and political consolidation of the municipality, the decentralization led to delegating the municipal authorities with more competencies than they previously enjoyed and with a legal background enabling them to protect more efficiently than before the local interests against government inferences.

However, capitalizing on the social unrest arising from a generalized poverty and corruption affecting the country, the communist party of Moldova has broadly won the general parliamentary elections of February 2001. Retrograde political forces have stopped and then reversed the decentralization developments. The new political leadership called upon the necessity of having more control over the local public authorities and of bringing the local authorities “closer to the citizens”⁸⁷. This is the well known “vertical of power”, a concept quite popular with the elderly political elite educated in former USSR coming again to life after the general elections of 2001. According to this position the 11 counties created in 1999 have been abolished as being unconstitutional and 36 districts came back. As result of further political events the administrative and financial autonomy of local communities and districts have been reduced to merely symbolic levels. To quote only the most recent example, in the project of consolidated bud-

get for 2004 local communities have been deprived the right to collect the VAT that is going to be paid directly into the state budget.

Despite the fact that the re-centralization policies have been severely criticized by the representatives of the Council of Europe⁸⁸, the Moldovan governance nonetheless went its way until creation of the “new” local public administration system.

Chisinau municipality in Moldovan political game

Domestic and foreign policy analysts believe that notwithstanding the populist rhetoric of the communist leaders the main reason for reversing the decentralization reform in Moldova was to create the necessary preconditions to set total control over the entire administrative and political establishment⁸⁹. With such a strategic goal behind the official agenda, one of the main barriers standing across the way of the communist party was deemed to be the Chisinau municipality, more exactly, its general mayor wishing to keep political and administrative independence from the central government and from the Moldovan presidency. Indeed, while the Chisinau municipal council was and continues to be dominated by communist faction obedient to the party bosses sitting in the Parliament and Presidency of Moldova the Chisinau general mayor has turned during last years into one of the leaders of the main opposition party pleading against the administrative re-centralization.

The desire of the central governance of setting control over the capital city is obvious because of the crucial importance the Chisinau municipality in political life in Moldova. To note an important fact, the general mayor of Chisinau is the president of the Moldovan Federation of Local and Regional Authorities and is member of the Moldovan delegation to the Congress of Local and Regional Authorities of the Council of Europe. Moreover, Serafim Urechean is the president of the “Alliance of the Non-Affiliated”, a political movement which in local general elections represented a large part of incumbent Moldovan mayors. For now the Alliance is a part of the “Moldova Noastră” socio-politic movement. This movement is forecasted to run as the main competitor of the communist party in general elections of 2005.

The importance of Chisinau municipality derives also from the economic potential that dominates the entire Moldovan economy and provides jobs for people living quite far from Chisinau. Financial experts estimate that this attraction goes as far as at a 150 km distance from Chisinau⁹⁰. With the economic transition affecting the entire country but worse in the peripheral cities and rural communities, Chisinau became an attractive economic pole providing more economic opportunities, more jobs and more attractive facilities for foreign and domestic direct investment.

According to the report of the general mayor for 2002⁹¹, between 1994 and 2002 the share of Chisinau in the national consolidated budget increased from 48% to 64%, the share in total manufacturing - from 46% to 57%, the share in the total foreign direct investments - from 20% to 64%, and the share in the domestic trade and services provision - from 43% to 57%. Chisinau is also the most dynamic construction site with many new buildings and cottages arising during last years, a symptom of enrichment of several social segments (quite narrow, by the way). The demand for real estate is also increasing and this is a sign of imminent demographic changes to happen in the future. In the years to come the economic situation in Chisinau is forecasted to improve quicker and to a much larger extent than in the rest of the country. To cite only one example, under optimistic circumstance the revenues per capita in Chisinau are expected to rise up to 17000 USD at PPP until 2020⁹².

Beyond the economic reasons, there are also simple electoral factors to be considered. Within the geographical area of the municipality the total population is about 1 million. 27% of the population with electoral rights of the right-bank Moldova lives in the Chisinau municipality. Chisinau is also a focal point for youth leaving their villages and settling in Chisinau as a way of avoiding the rural communities much worse stroke by poverty. So, one can predict that population of Chisinau will play an even more important role in the future electoral campaigns in Moldova.

While the last general local elections did not prove that political support provided by people living in Chisinau to the communist party is eroding and the largest faction in municipal council is the communist one, an essential fact is that the communist can-

didate for the general mayor lost the election. Moreover, the general mayor reelected in June 2003 might supposedly be a serious competitor for the chair of the presidency of Moldova since the political party that supports him accumulates political assets from the failures that the incumbent governance incurs.

Under such economic, political and electoral circumstances the pressure that the central government puts on municipal authorities is rather understandable and probably will enhance in the future.

Institutional cooperation and political conflict

We envision two lines of discussing this topic. On the one hand, it is illustrative to reveal the intra-institutional interaction among municipal authorities, mainly the conflict between the municipal council and the general mayor. On the other hand we will discuss relations between the municipality and two central public bodies, the Government and the Presidency.

Since 1999 the administrative process of the Chisinau municipality was marred by a political conflict between the general mayor and the municipal council. The conflict left only very little room for cooperation. The roots of the conflict arise less from ideological differences and more from the institutional and legal conditions that the reform of 1999 set up. Even before the reform the general mayor managed to increase its influence over the municipal affairs. With the reform of 1999 accomplished, he accrued also heavy political and legal arguments against too much involvement of the central government in the municipal affairs. In such circumstances, the influence that the communist party exerts on municipal affairs goes mainly through the municipal council dominated by the communist faction.

This was the case before the local elections of May-June 2003 as well as after, when a new council still dominated by the communist factions has been elected and the general mayor has been re-elected. The mayoralty officials believe that an open and irreconcilable political aggression emanates from the council towards the general mayor whose executive power would be diminished by the deliberative power of the council⁹³.

A serious line of institutional conflict departs from the different policy priorities that the deliberative and executive powers see for the Chisinau municipality. The conflict was particularly acute before and during the local electoral race of May-June 2003. We can cite among the main conflicting situations the disagreement linked to the level of tariffs for housing services that the municipal council wants to keep low for social reasons while putting at risk the financial situation of the municipal enterprises providing the services.

One year after coming to power, on February 5, 2002 the Moldovan Parliament dominated by the communist party amended the law on status of Chisinau municipality. The competencies of the mayor have been drastically reduced and transferred to the municipal council. Among the most important losses that the general mayor and the mayoralty have incurred one can nominate:

1. Nomination of praetors and confirmation of praetor's team;
2. Confirmation of the chiefs of various sub-units and public services;
3. Approval of tariffs for housing services;
4. Choosing the volume and areas of public investments;
5. Taking measures of social protection and providing financial support to specific social categories (it is important to note that social protection and financial support intensify right before elections being the most preferred and efficient electoral tools of the political elite in Moldova).

However the most serious damage to the general mayor positions occurred in November 2002 when the Parliament amended the law on the status of Chisinau municipality. The amending law contained only one article that left the general mayor with no membership of the Government that he enjoyed since 1995. And just recently, in November 2003 the government approved a decision meant to operate drastic reductions of the municipal mayoralty staff and an overhaul of the institutional structure⁹⁴.

A short time after coming into power the Moldovan parliament dominated by the communist party amended significantly the law on local public administration. After the promulgation this was practically an entire new law. One of the new legal provisions

would have abolished the system of electing the mayors directly by the citizens and would have permitted the local councils to elect the mayor. Analysts say that this was a blow targeting directly the general mayor of the Chisinau municipality, because with the Chisinau municipal council being dominated by its representatives the communist party of Moldova would have taken over the capital city by nominating and obedient general mayor. However, this plan with high stake of changing the system of electing mayors in Moldova triggered a firm political opposition from domestic actors and international organizations. The Constitutional court deemed this amendment to be unconstitutional and in 2003 at local general elections the mayors have been elected according to the old scheme of citizens electing directly the mayors.

The central governance abuses its control tools to interfere with the municipal affairs. As the general mayor declares, "there is no one day in our mayoralty without control bodies around us"⁹⁵. Court of Accounts, prosecution, Ministry of Internal Affairs, even the Service for Information and State Security, are nominated as the most arduous controllers of the local public affairs.

The conflict between the Chisinau municipality and Moldovan presidency turned into a personal conflict of the president of Moldova and the general mayor of Chisinau. Interestingly enough, these relations saw better times. For example, in August 2001 the President of Moldova refused to promulgate an amendment to the law on local public finances that would have deprived the mayoralty the right of managing its own budget and would have given this function to the Prefecture. President Voronin said with this occasion "I can not dagger a structure that is quite well managed"⁹⁶.

However, in the next two years relations with the presidency worsened quickly. During the local elections the president got involved personally in the process in a rather similar manner that he did in regional elections of the autonomous Gagauzian region several months before. The president publicly accused the general mayor of corruption and lack of competence and called the public to vote against Urechean. However, the candidate of the communist party that allegedly was involved in embezzlement of public funds did a rather fade performance during the elections and lost them.

The personal dimension of the institutional conflict between Chisinau municipality and central governance grew into a more serious one. The Chisinau mayor has even tried to play independently in such a major political game as the Transnistrian conflict. A visit that Serafim Urechean made to the separatist regions of Transnistria to meet its leader was perceived in quite negative tones by the communist mass media. One could see the irreconcilability of the political stances of the general mayor and the Moldovan president even at various public manifestations and events where the confrontation between the two leaders frequently turns in hilarious situations.

The conflict between central and local authorities and the lack of cooperation between the local council and the mayor lead to negative consequences for the welfare of Chisinau inhabitants. With the approval of the government and the Parliament the city was disconnected from the centralized system of hot water. With the interference of the government in the local public affairs contracts of the municipality with foreign investors are annulated and because of this the external image of the entire country suffers⁹⁷.

ANALYSIS OF PUBLIC OPINION AND PUBLIC DISCOURSE

The public opinion regarding the performances of the Chisinau municipality has been assessed using the results of different public opinion polls, of a mass media survey, and results of the local elections of May-June 2003. The public discourse of the municipal authorities shaped significantly the public opinion, through its own public relations service.

Public opinion surveys

One has to be aware that sociological surveys in Moldova are hampered by the fact that last national census was conducted in 1989 and because of this the issues of statistical relevance and sampling are debated intensively.

During the last couple of years several social surveys on the performance of local public authorities have been conducted by

various public and non-governmental organizations. IDIS Viitorul, for example, has conducted since 1999 regular surveys covering the entire country except the left-bank Moldova on various public administration issues. It is possible to dissociate within the public opinion polls commissioned by IDIS Viitorul the results reflecting only the Chisinau sub-sample and to compare them with other relevant sociological surveys⁹⁸. It is certain that local authorities are still considered the best in performing their fundamental tasks and, are believed to be 'the most effective' in solving day-by-day problems of citizenry.

TABLE 4. ACCORDING TO YOU, WHICH OF THE PUBLIC AUTHORITIES MENTIONED BELLOW PROVED TO BE MORE EFFECTIVE IN SOLVING YOUR PROBLEMS? (ONE ANSWER ONLY)

Town hall	63.1
District council (town council)	10.5
Territorial offices of State Chancellor	3.1
Parliament	1.6
Presidency	0.1
Government	0.7
All of them were ineffective	20.9

According to the poll conducted by IDIS "Viitorul" in February 2003 approximately 50% of the Chisinau dwellers think that local authorities have enough prerogatives and mandated competencies, while 21.7% think that they don't. 33.3% of the respondents asserted that administrative competencies and performances of the local authorities are important for the life of citizens as well as for the life of the entire community while 50.4% believe that this power does not play a significant role. The same poll shows that during the previous six months 65.2% of the citizens only very rarely required any service from the mayoralty, with 1.7% having required services very often.

It is interesting also that less than a half of the citizens feel that they would like to be consulted by the municipal public au-

thorities on the issues related to development of the community, while 39.6% - would not. These results reflect a rather weak interest the Chisinau citizens show towards the public affairs. The readiness of participation in community life in Chisinau is lower than in other parts of the country and this conclusion is consistent with the higher rates of political participation in local and general elections of people living in rural areas and in small towns of Moldova than in Chisinau.

Interestingly, in the Chisinau area most of the citizens believe that unemployment is the first problem to be solved by the local administration; the second sensitive problem is providing poor with financial and other needed support for subsistence. These expectations correlate with the results for the entire national sample and show that despite better living standards than in other areas of the country, Chisinau dwellers face the same problems of struggling for survival.

As far as we know the last public opinion poll commissioned by the mayoralty of the Chisinau municipality was conducted in December 2002. The Independent Service for Information and Sociology "Opinia" (ISIS) conducted the telephonic poll "The Conclusion of the Year: Chisinau 2002" on the basis of a sample consisting of more than 400 respondents⁹⁹. General results of the poll are published on the official web site of the mayoralty and the main conclusions to be derived from the poll results are the following.

First of all, there is an unambiguous social opinion reflected by the poll that life in Chisinau municipality is to some extent less difficult than in other parts of the country, especially in poor rural areas. A total of 45.8% of the Chisinau inhabitants think that in 2002 their life turned to be slightly better or much better than in 2001. 39.7% of the respondents also considered that the year 2002 was slightly better / much better than 2001 for the entire country. According to the poll, 42.0% of the Chisinau inhabitants are of the opinion that in Chisinau municipality positive changes dominated the year 2002, 14.5% believed that negative trends dominated the year, while 36.7% believed that negative changes matched the positive ones. Again, it is remarkable that this stance is more positive than what people of Chisinau do believe to be the

case of the entire country (percentages are 32.5, 23.5 and 36.3 respectively).

A slogan that Chisinau municipal authorities promoted during the last years as their working motto is something like "Our city - a European city", meaning also the look of the streets, the cleaning of houses, the appearance of parks and halls and others. How far is Chisinau from being at least outwardly European? 75.8% of the respondents answered that during the last 4-5 years the external view of the Chisinau municipality improved either slightly or significantly, while a total of 7.2% answered the opposite. 71.9% of the public are proud of being citizens of Chisinau while 27.0% are not proud at all or not too much proud of being Chisinau inhabitants. These responses may be interpreted as an indirect signal of prevalence of positive social attitudes regarding the current performances of the Chisinau municipality.

Besides identifying the indirect attitudes, the ISIS also asked directly the people's opinion on the performances of the mayoralty and the general mayor. 37.3% answered that mayoralty did pretty well / well during 2002 while 15.9 - bad or very bad. The positive attitude regarding the general mayor is more favorable with 44% believing that during 2002 the general mayor had a very good / good personal performance and 11.2% - a poor or a very poor performance.

While general attitudes about the performances of the municipal authorities are rather good, the daily interviews of the people of the city show distress and dissatisfaction about poor quality of such public services as heating, personal security on the streets, failures of the public transportation system and others¹⁰⁰. Negative beliefs have been enforced further during the electoral campaign when "dirty" electoral technologies have been used massively and with no penalties.

Mass media survey

The strife between the central governance and the municipal authorities turned to be extremely strenuous in the year 2002, before the general local elections of 2003, as well as during the elections. This is reflected dependably in the mass media controlled

by both sides at the time. After the end of elections the antagonistic positions on most issues have been kept and the quarrel continues less intensively up to this day.

However one should take care of the fact that analysis of mass media in Moldova might be a tricky issue leading to biased conclusions because only very few media institutions are truly independent from any political pressures or financial favors. Such media organizations as “Capitala-Столица” weekly (in Romanian and Russian languages), “Capitala-magazine”, “Antena-C” (radio broadcasting station), “Infotag” (press agency) and “Euro TV” (television channel) are very positive about the performances of the mayoralty seeing that these media are created, controlled or financed by municipality. The thereof mass media permanently reflect the activity of the mayoralty but very few relevant institutional performance indicators are used to assess the activity in an unbiased way. However, while the mentioned media institutions are controlled by the mayoralty, independent observers assert that they are much more open to other political opinions and less restrictive than the communist media institutions.

From another point of view, the “Communist” weekly usually takes on a very aggressively vociferated position against the general mayor and sheds a positive light on the communist faction of the municipal council. Practically on the same venue is placed the official dailies “Moldova Suverana” and “Независимая Молдова” with a much more pro-presidential stance. During the electoral campaign not a single issue of these papers left the municipality without “due attention”. Yet again these media do not prove their allegations with practical evidence and do not assess the negative performance on concrete indicators. Nor do they provide right of appeal to people sharing different views on municipal affairs.

Both the mass media controlled by the central governance and municipal authorities were extremely hostile against each other's candidates as well as against other candidates during local elections of 2003.

The national TV and radio broadcasting company is also controlled by the governance and usually presents the Chisinau municipal authorities in a negative light. However, the unilateral governmental political control over the national TV and radio

broadcasting company is going down as more pressure is put by domestic actors and such international organizations as Council of Europe for the TV and company to be transformed into a true public company free of governmental inferences.

As for now the redistribution of municipal property and inter-governmental financial relations are invoked by mass media most frequently. Most of independent papers narrate the issues mentioned above as being the main stalemates impeding the normal functioning of municipal authorities and a good cooperation among various levels of public administration. According to articles and commentaries provided by such media the central administration aims at leaving the municipal authorities with less financial resources and the final target is to diminish the political power of the general mayor and to empower the municipal council and governmental agencies with more competencies in municipal affairs¹⁰¹.

Analysis of the electoral results

At local elections of 1999 Serafim Urechean accumulated a total of 51% of the poll. In 2003 situation changed slightly, since he was reelected only in the second round with 53.9% votes against 46.1% of his rival, the minister of telecommunications and roads Vasile Zgardan, candidate promoted by the Communist Party of Moldova. However, the victory of the incumbent mayor was very narrowly separated from a loss and it is not clear whether electorate voted for him or against the communist candidate. There are at least two points supporting this assumption.

First of all, it is rather questionable whether the incumbent mayor would have gained the local elections in Chisinau had the municipal communities not voted widely for him. The large political credit that the municipal towns and communes provided Serafim Urecheanu with is explained among others by substantial financial transfers from the municipal budget for different infrastructural and social projects in these communities. This is why moving the adjacent communities away from the municipality as a precondition for taking over the capital city at next local elections of 2007 will probably remain as one of the main objec-

tives that central governance will target at next years.

Secondly, Mr. Urecheanu benefited from a crucial mistake that the communist party made by the uninspired decision to promote a rather politically weak, fairly unknown and allegedly corrupted candidate for the post of general mayor. (Interestingly, Moldovan papers consider that this decision was not taken by the party itself but directly by Mr. Voronin). Pro-municipal press revealed stories about Vasile Zgardan's unlawful activities in various official posts and even the hardest supporting campaign of the official and pro-communist press did not help acquiring the much needy votes.

As for the fact that communists dominate the municipal council while a non-communist is reelected as mayor is explained by specifics of electoral politics in Moldova. In this country the mayors are elected for their personal qualities ("being a good manager") while the councils are assessed against their political ideologies and background. Political structure of local councils in Moldova is still quite similar to that of the Parliament elected in 2001.

Public discourse

The main focal points of the public discourse of the municipal authorities are the following: "Urecheanu - a mayor for every Chisinau citizen"; "Chisinau - a European city"; "no way for centralization"; and "from heart to heart" (the last one is also the name of a social assistance program initiated by the mayoralty).

Serafim Urechean managed not to present himself as a political leader holding a too nationalistic stance but rather as a mayor trying to reconcile interests of all nations leaving in Chisinau and of the members of social groups with various ideological backgrounds. To cite the most known example, meetings are held with and financial aids are provided to veterans of both the Soviet and Romanian army of the II World War. In this position the PR campaign is quite efficient and improves the image of the mayoralty.

As for the second slogan, Europeanization of Chisinau, it should be said that it still remains in the realms of wishful thinking. While European ideas in Chisinau are much more popular than in other regions of Moldova, there is still a long way to go in order

to achieve a better look of the city. Rhetorically the European PR campaign is quite loud and consistent even with the political position of the national government. But the mere example of the distress produced to transportation system, by the agricultural market placed right in the center of Chisinau and the associated noise and misery leaves no further room for believing that any European ambition will be achieved in the near future.

The decentralization campaign supported vividly by the mayoralty found a very fruitful ground on the European stance acquired by the general mayor. In a large interview given to the *Timpul* weekly Mr. Urecheanu criticized fervently the policy of administrative centralization of the country and blamed the communist fraction of the parliament for their frankly stated decision of abrogating the constitutional clause offering the citizens the right to elect directly the local public authorities¹⁰². The final goal of this political goal he said to be the creation of a power vertical and a constitutional dictatorship.

It is important to mention that had the clause of indirect election of the mayor by the local council been passed, then Mr. Urecheanu would have extremely small chances of being reelected as general mayor of the Chisinau municipality at local elections of 2003, since the largest faction in the municipal council is the communist one.

An open interference of the government and presidency into the local public affairs and even into the management of public services marked the beginning of the electoral battles long before the formal beginning of the campaign itself. The forms of this involvement were simply ridiculous. To mention only one of them, in September 2002 the President of Moldova, Vladimir Voronin, interfered in the dispute between the managers of the municipal companies providing running water and the municipal council related to the level of tariffs. The official daily *Moldova Suverana* noted that Mr. Voronin "informed the general mayor of the capital that there are mistakes in the calculations of the tariff level and asked the mayor to provide additional information on the topic."

In October 2002 the general mayor launched an initiative of a charity program "De la inima la inima" ("From heart to heart"). While the official declaration is that the new program represents

continuation of the municipal program on poverty eradication, there are no doubts that this was a mere electoral tool. The central authorities were in a hurry to take the provision of social assistance and financial aid to the poor off the list of competencies of the general mayor and to grant them to the municipal council.

POLICY GUIDELINES FOR THE PARLIAMENTARIAN REFORM

As already stated in the addenda, this study aims to clarify which are the standards that we shall demand from the Parliament and deputies to follow, and to encourage that measures and specific policies of upgrading the quality of these policies will be taken and assimilated by the legislative. The scope of the Parliamentarians is to use wisely the public confidence by assuming more responsibilities of self-administration, proving to the voters that they deserve their trust and that they are capable to put in good order the legislative process at the national level, in spite of the outside pressures or the narrow constitutional format. A debate on the reformation of the legislative process will be productive only when we will be able to identify the reasons and demands for this reform. Unfortunately, the absence of a correct understanding over the poor legislative format is not currently providing a good basis to understand the scale of this reform.

On the other hand, rather limited expectations from the Parliament - along the existence of a super-dominant role of the legislative power - are translated into a weak participation of deputies to this reform or a dream-driven contemplation of the ends of the political battle. Finally, many of us still confound the need to reform the legislative process with the numerical majority of one or another fraction, failing to understand that the legislative process is an institutional demand/constraint, which cannot be ex-

plained or justified by political deadlock. A reformation of the legislative process may succeed only when it becomes a systematic effort of the elected deputies/fractions and civil servants employed by the Parliament, more a continuous process than a cut-off objective, that can be approximated through statistics, thus implying the widening of the space for consultations with political groups, increasing the quality of the legislative drafts and public debates, building up a personalized relationship with constituencies, while searching for new and innovative ways of increasing vertical and horizontal responsibilities of the legislative chamber.

Every public institution should be encouraged to define and promote its own institutional strategies of increasing the level of effective use of public resources and accomplish its statutory goals. The reform of the public sector includes inter alia reform of the legislative process, even though for the time being, this is opposed by the authors of the PRSP in Moldova. Public institutions, including the Parliament, shall be assisted to find out institutional solutions and reformation instruments that will be compatible with the mission and democratic criteria of good governance. Concerning the National Parliament, the most recommended steps are surely expected to cover the aspects of: representation, quality of legislation and responsibility. This Model of institutional reform shall be promoted in connection with the legislative chamber in order to achieve a more responsible Parliament, endowed with necessary resources and capacities for law making, auditing implementation of the legislation, hearings where executives are continuously surveyed and monitored, internally democratic and strengthened.

Measures should be taken to implement the Law on access to information adopted in 2000. The population, journalists and public officers must be informed of the existence of the Law, of the instruments to use it and the officials concerned should be aware of their responsibility to ensure transparency. Public officers and journalists should also be trained to understand how to handle requests for information. Any public office should have its press unit as the Law requires it. It should explain what kind of information is available, how to obtain it and provide it when requested. Ideally, all central institutions should be required to have their

Websites (where information will be updated at least every 30 days). On the long term other public bodies at local level should also have websites.

This model of a reformed Parliament shall promote its own legislative agenda, which shall not be subservient to other pressures - be they from the President's office or from other influence polls, because only when parliamentary fractions enjoy the liberty to share the awareness of the priorities on the legislative agenda a more coherent government will be in place. In spite of its apparent stability, the current Cabinet did not learn well how to cooperate with the Parliament. An effective Parliament shall be first of all a sovereign Parliament, an independent public authority, considerably strengthened on the principle of power separation from the executive power. A government which is confirmed through a confidence political vote can be easily controlled and balanced with the political pluralistic environment reflects the core dimension of the legislative process. Some recommendations to improve the legislative process:

- Functional review of the Parliament (making the apparatus and staff work effectively, oriented towards qualitative indicators, which are to be assessed regularly by internal auditors)
- Fair and effective distribution of functions within committees among political fractions
 - Increasing the number of parliamentary sittings
 - Increasing the mechanisms of ensuring a good quality of the drafts of the law prepared and notified by the specialized permanent or ad hoc committees of the Parliament
 - Increasing expertise capacity and involvement of the non-parliamentary experts in setting up operational funds for each of the political fractions
 - Ensuring optimal conditions for the hearing sessions with Governmental representatives
 - Ensuring regular live broadcasting of the most sensible Parliamentary sessions by the Public TV and Radio stations
 - Establishing a position of the Parliamentary Auditor, elected with the simple majority of votes on an annual basis, that will not coincide with the acting members of the Permanent Bu-

reau of the Parliament (Speaker and Vice chairmen)

- In order to remove current limitations to access to parliamentary sessions' records, the April 2001 decision of the permanent bureau of the Parliament should be abrogated and the media should be given access in a non-discriminatory way. The same non-discrimination rule should be applied with regard to the access to the Government's meetings or press conferences.

Endnotes

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³ Sartori G, ed. 1984a. *Social Science Concepts: A Systematic Analysis*. Bev. Hills, CA: Sage Sartori G. 1984b. Guidelines for conceptanalysis. See Sartori 1984a, pp. 15–85 Sartori G. 1987. *The Theory of Democracy Re-visited*. Chatham, NJ: Chatham House

⁵ Report: Parlamentul si societatea, Mihai Petrache, Member of the Parliament, presented in the Workshop of 24 May 2004, organized by IDIS

⁶ President Voronin repeatedly stated that election programs are prone to exaggeration and illusory ideas, and that after they gained the power, they realized how difficult is to accomplish their program.

⁷ www.parlament.md/structure

⁸ “Land-sliding victory” is an original quotation from “The Economist” analysis of Moldovan political situation and perspectives, see the www.economist.com

⁹ Decretul Pre.edintelui Republicii Moldova privind constituirea Comisiei naționale pentru elaborarea proiectului Legii pentru modificarea Constituției Republicii Moldova, nr.1070 –II din 1 iulie 1999

¹⁰ www.azi.md/news/july2000html

¹¹ Report: A comparative analysis of the parliamentary - semi-presidential form of governance in Moldova, Victor Popa, Hab. PhD in Law, ULIM, may 24, Workshop in Chisinau organized by IDIS

¹² Report: Parlamentul i societatea, Mihai Petrache, Deputat on Parlamentul Republicii Moldova

¹³ For 3 years after 1998, the Alliance of Democratic Forces (ADR) held a relative majority of seats in Parliament (60 against 40 held by the CPM, with a deputy, Ilie Ilashcu, imprisoned by the separatist regime of Transdnistria)

¹⁴ www.azi.md/news/december2000html

¹⁵ www.rferl.org/moldova

¹⁶ Timpul, Un gra accident istoric, Constantin Tanase, April 23 2004, no

¹⁷ Letters of Peter Schieder to Eugenia Ostapciuc, Chairman of PACE, and Van der Linden, Leader of the European Popular Party to Peter Schieder, March 5 and 10, 2004, Flux, april 27, 2004

¹⁸ “Social Opinion Barometer: November, 2003”, conducted by IPP (www.ipp.md;))

¹⁹ Social Opinion Barometer: April 2002, Imas Inc., conducted by IPP

²⁰ Public Barometer, IPP, Dec. 12, 2003

²¹ Law of Republic of Moldova on the Parliament Internal Regulations, Nr.797-XIII of 02.04.96, Monitorul Oficial, nr.81-82 of 19.12.1996

²² Law of Republic of Moldova on the Statute of the Member of Parliament, nr.39-XIII, , 07.04.94, modified, Monitorul Oficial, nr.57-58, 05.18.2000

²³ Law of Republic of Moldova on Legislative Acts, Nr. 780-XV, 27.12.2001, Monitorul Oficial, nr.36-38, 14.03.2002

²⁴ Law of the Republic of Moldova on Legislative Acts, nr.780-XV 27.12.2001, Monitorul Oficial, nr.36-38, 14.03.2002, art.3

²⁵ Expunere de motive la proiectul codului cu privire la stiinta si inovare, prezentat de crtre presedintele Republicii Moldova, on cadrul sedintei fractiunii parlamentare a PCRM, Moldova Suverana, 18 iunie 2004

²⁶ At the beginning of 2003, BEAB changed its name into ‘Moldova Noastra’ Alliance (MNA) as a result of a merge with other extra-parliamentary parties. For several months, the decision to change the name of the faction has been opposed by the Parliament’s leadership, on the premise that it is not permitted by the Internal Regulation

²⁷ Committees in Post-Communist Democratic Parliaments, Comparative Institutionalization, David M. Olson and William E. Crowther, editors

²⁸ Law on the Regulation of the Parliament of the Republic of Moldova, No.797-XIII of 02.04.96, Monitorul Oficial No.81-82 of 19.12.1996

²⁹ See the official website of the Moldovan Parliament www.parlament.md/structure

³⁰ An enquiry committee was created in 2002 after the mysterious kidnapping of one of the opposition’s deputies, Vlad Cubreacov, a prominent leader of the CDPP, but it was closed down immediately after the reappearance of the parliamentarian. No public referee, reports or other statements were issued on behalf of the inquiry committee, which has tantamount to say that the committee was a pure formality to show a little concern but not a serious professional interest to reveal the causes of a very grave crime. In fact, the ‘lost deputy’ is also a Deputy of the European Assembly of the Council of Europe, having thus a double immunity.

³¹ Eugenia Ostapciuc, Speaker, The role of the staff in the legislative process, Moldova suverana 28.01.2003

³² Statistics presented by the Secretariat of the Parliament, November 2003

³³ Focus Group, held by CBS Axa on assessing parliamentary performances in Moldova.

³⁴ Focus Group held by CBS Axa on assessing parliamentary performances in Moldova

³⁵ See the press communiqué “The judges dismissed after communists came to power intent to refer the matter to the European Court for Human Rights”, Infotag press-agency, October 4, 2002

³⁶ Press communiqué “Parliament initiated liquidation of tribunals”, Basa-press press agency, April 24, 2003

³⁷ Amendments of the art.116 of the Constitution changed the Superior Council of Magistrates into a purely consultative body, whose opinion is less important than ever. Art. 11 (4) of the Law on the statute of the Judge stipulates that ‘President may reject a candidate for a judge position which is proposed by the Council of Magistrates, which of course is a violation of the constitutional guarantees to the independence of the judiciary, as well as to the immovability of the judges as provided in the art.2 of the Law on Judiciary Statute.

³⁸ Annual Report of the Helsinki Committee on the respect of the human rights in Moldova, November 2003

³⁹ See the press communiqué “Two NGO of former judges accuse the governance of limiting breaching the independence of judicial system in Moldova”, electronic journal Moldova-Azi, www.azi.md, august 6, 2003

⁴⁰ See the press communiqué “Association of Judges of Moldova will present the Council of Europe observers a list of judges having been dismissed after communists came to power”, the press agency Flux, September 10, 2002

⁴¹ Practically every issue of the magazines “Timpul”, “Jurnal de Chisinau”, “Accente”, “Flux” and “Moldavskie Vedomosti” may be accessed for illustrative journalistic investigations over various MPs’ activities incompatible with their status. However, there is no any case when the Committee for Immunity would take this publications seriously by initiating a self-notification and start to assess the validity of the arguments invoked in press

- 42 Speech delivered by Eugenia OSTAPCIUC, Speaker of the Parliament at the opening of the Spring Session in 5.02.04
- 43 Olson, D. and Ph. Norton (1996). *"The New Parliaments of Central and Eastern Europe"*. London: Frank Cass
- 44 The legality of the name of the Alliance "Moldova Noastra" is subject to hot debates in Parliament since the faction has changed its initial name two times (see more in the subsection "Interactions among opposition and majority")
- 45 Quoted from Moldavkie Vedomosti, may 15, 2004, p.3
- 46 Rolul Aparatului Parlamentului in procesul legislativ. Moldova suverana 28.01.2003
- 47 REPORTER.MD, 25 March 2004, Ce cred deputatii despre Parlament?
- 48 Ibidem
- 49 Speech given by Eugenia Ostapciuc at the end of the autumn session of the Parliament of the Republic of Moldova, 26.12.03
- 50 CBS Axa, 2002, 2003, 2004 Polls in dynamics
- 51 TIMPUL, July 16, no.28. In mid July 2004, a application filled in by TIMPUL has been rejected by the Supreme Court of Justice
- 52 Joe Foweraker and Roman Krznaric, How to construct a Database of Liberal Democratic Performance, Democratization 8 (3), 2001, 12-13, Arthur S.Banks, Cross-Polity Time Series Data (New York: State University of New York at Binghampton, 2000)
- 53 Damgaard, E. (2000). *"Representation, Delegation and Parliamentary Control"*. ECPR workshop on parliamentary control of the executive in Copenhagen (April 14-19, 2000)
- 54 <http://www.parlament.md/structure/commissions/> information accessed at December 24, 2003
- 55 EU White Paper on Good Governance: <http://europa.eu.int/comm/governance/>
- 56 RFERL, February 2003
- 57 Focus group #2 on Parliament representativeness, 12 April 2004, Chisinau
- 58 Wecan distinguish between three types of parliamentary control (Mřny 1996: 121):
- Partisan control, voiced by the opposition, which is only effective under conditions in which the government is vulnerable
 - Non-partisan control by means of parliamentary oversight which may take numerous forms: questions, committees, hearings and so on;
 - Control with a penalty, like a motion of censure, which is most drastic, but cannot be used often without destabilizing the system
- 59 Freedom of Expression and Information: Experts' report on the situation in Moldova, following their visit to the country from 22 to 24 January 2002, Council of Europe/ CM/Monitor(2002)7 25 March 2002, Declassified on 28 August 2002
- 60 Jack C.Piano, Robert Riggs and Helenan S.Robin. The Dictionary of Political Analysis, Oxford and Santa Barbara: ABC/CLIO, 1982, p.149
- 61 The 2003 Israeli Democracy Index, Measuring Israeli Democracy, Asher Arian, David Nachmias, Doron Navot and Danielle Shani, The Guttman Center of the Israeli Democracy Institute, 2003, Jerusalem, p.18
- 62 Lijphart (1999: 129)
- 63 The Public Barometer Opinion Poll, November 2003, IPP
- 64 Chisinau, 16 aprilie (*INFOTAG*)
- 65 Chisinau, 22 aprilie (*INFOTAG*)
- 66 Chisinau, 29 aprilie (*INFOTAG*)
- 67 Public Barometer, IPP, Dec. 12, 2003
- 68 November 5, 2003, BASA-press/www.azi.md
- 69 www.reporter.md, March 2004
- 70 Mass media selected for this analysis were representative both in terms of circulation, language, private – public and readership: FLUX, TIMPUL, MOLDOVA SUVERANT, KISINEVSKIE NOVOSTI, MOLDAVSKIE VEDOMOSTI. The analysis included the following items: frequency of materials, tonality, transparency, accountability, corruption
- 71 *Parlamentul crează haos lingvistic la oficiul stării civile* din 16 mai 2003 Nr.18 (80), *„Legislativul continuă frământarea Republicii Moldova”* din 4 iulie 2003, Nr 25 (87), *legea bugetară-sandrama de paie sau cadrul legislativ-ghiveci, și incompetența, incoerența, instabilitate, și, respectiv: metamorfoze legislative, deputații nu reprezintă poporul*
- 72 The symbol „+” describes the positive trend of the articles briefed, „0” – neutral and „-” - negative tone
- 73 *„Comunității toacă banii publici”* din 22 martie 2004, Nr. 33 (1173), *„Eugenia Ostapciuc, din nou cu mona on pu.culioa statului”* din 28 martie 2003, Nr. 11 (391)
- 74 "Corruption and Quality of Governance", produced by Centre for Strategic Researches and NGO Transparency International Moldova, World Bank, UN/UNDP Moldova with the financial support of the US Embassy in Chisinau
- 75 See the report „Public administration in the Chisinau municipality: problems and solutions”, presented by Iulia E.anu, Director of the Public Administration Department of the Chisinau municipality at the National Conference "Agenda of Decentralization in Republic of Moldova", February 26-27, 2003
- 76 See interview of the general mayor Serafim Urecheanu in the "Capitala" magazine, Feb. 2003, nr.24 and the policy commentary on the ADEPT site www.e-democracy.md/comments/political/20030825/
- 77 Law of the Republic of Moldova on the status of Chisinau municipality, nr. 431-XIII of 19/04/1995, the Official Monitor nr. 31-32 of 09/06/1995 and subsequent amendments
- 78 Law of the Republic of Moldova on local public administration, nr. 186-XIV of 06/11/1998, the Official Monitor nr. 33-35 of 07/03/2002
- 79 Law of the Republic of Moldova on the territorial-administrative organization of the Republic of Moldova, nr. 764-XV of 27/12/2001, the Official Monitor nr. 16 of 29/01/2002
- 80 Law of the Republic of Moldova on the local public finances nr. 491-XIV of 09/07/99, the Official Monitor nr.101-102 of 16/09/1999
- 81 Law of the Republic of Moldova on the property of administrative-territorial units nr.523-XIV of 16/07/99, the Official Monitor nr.124-125 of 11/11/1999
- 82 Decision of the Government of Moldova nr.191 of 19/02/02 on the "Regulation on the provision and payment of housing services"
- 83 Expert opinion
- 84 See the Decisions of the Court of Accounts on the execution of the Chisinau municipal budget for 2000 (nr.57 of 14/06/01), for 2002 (nr.42 of 11/06/03) and the Decision on results of control of economic-financial activity of the Chisinau mayorality for 1998-2001 (nr. 46 of 23/05/03)
- 85 Iulia Esanu, Director of the Public Administration Department of the Chisinau municipality, the National Conference "Agenda of Decentralization in Republic of Moldova", February 26-27, 2003
- 86 The Democratia weekly, nr..., the Timpul weekly...
- 87 Quoted in Victor Popa, "Retrospective analysis of the evolutions and involutions of the local public administration in Moldova", report presented at the National Conference "Agenda of Decentralization in Republic of Moldova", February 26-27, 2003

⁸⁸ See the interview “Only in Moldova one can meet public officials not caring about their promise” of Claude Casagrande, the vice-president of the Congress of Local and Regional Authorities of the Council of Europe, the “Forum” journal, nr.1, vol.3, April 2002

⁸⁹ See Ion Osoianu, “”, the “Democratia” public policies weekly, nr.

⁹⁰ Veaceslav Ionita, Senior Lecturer at the Academy of Economic Studies of Moldova

⁹¹ See the general mayor report on social and economic life of the municipality during 2002 “People have rights, we have responsibilities”, the official site www.chisinau.md

⁹² Mihai Roscovanu and Lilian Galer, “Scenarios for development and forecasting for the Chisinau municipality”, report presented at the National Conference “Agenda of Decentralization in Republic of Moldova”, February 26-27, 2003

⁹³ Iulia Esanu, Director of the Public Administration Department of the Chisinau municipality, the National Conference “Agenda of Decentralization in Republic of Moldova”, February 26-27, 2003

⁹⁴ Interestingly enough, similar patterns of political conflict between local and central administration can be remarked in other Eastern European countries. It is a widely known fact the conflict between the mayor of Bucharest and the Romanian government. Periodically, the Moscow mayor goes under vehement criticism of the Russian federal authorities

⁹⁵ See interview of the general mayor Serafim Urecheanu in the “Capitala” magazine, February 2003, nr.24

⁹⁶ Basa-Press press agency, news of 1 august 2001

⁹⁷ For example, the contract with the a German investor on construction of a waste-processing plant in Chisinau was annulated as results of Governmental prohibitive actions and the same fate had a contract with a UK investor on creation of a electronic-cards parking system in the city. Quoting the investors, the municipal press says that “you people in this country are crazy”

⁹⁸ IDIS “Viitorul”, Sondajul de opinie „Tranziția în autoadministrarea publică locală”, februarie 2003, Chișinău

⁹⁹ The report on the ISIS social opinion poll can be accessed on the official site of the Chisinau municipality www.chisinau.md

¹⁰⁰ Flux

¹⁰¹ See for example the report about the intention of the communist government to take over the commercial agricultural and food units administrated by local public authorities (the “Timpul” weekly, June, 2002). The director of the central public market of Chisinau said that the government intends to set a public agency for a direct administration of these commercial units. In 2001 the Central public market of Chisinau paid taxes and fees 9 million MDL in the municipal budget.

¹⁰² The “Timpul” weekly, July 2002.